

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:	Barry J. Hobbins	Office/Division/Program of Contract Administrator:	Public Advocate Office
Est. Contract Amount:	\$ 20,000.00	Contract or RQS Number:	CT2019
Proposed Start Date:	September 19, 2019	Proposed End Date:	September 30, 2020
Vendor/Provider Name, City, State:	Agnes Gormley Harswell ME 04079		
Short Description of Good or Service:	Consulting services for implementation of non-wires alternative coordinator (NWAC) function.		
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>9/10/19</u> To: <u>9/16/19</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191488		
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:	
<input type="checkbox"/>		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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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;
	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.
	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.

Pursuant to newly enacted legislation (P.L. 2019 ch.298) the Office of the Public Advocate (OPA) is required to implement a process of including non-wires alternatives into the distribution and transmission planning process through the hiring of a non-wires alternatives coordinator. This process of including consideration of non-wires alternatives into planning is complex and the result of years of litigation resolved finally by Legislative action. When fully implemented the consideration of non-wires alternatives will result in significant savings for Maine ratepayers.

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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 implementation the NWAC requires specialized knowledge of complex issues and procedures. It requires detailed familiarity with both local distribution and regional transmission planning. The OPA attorneys do not have the same level of expertise in these areas as does Ms. Gormley. Ms. Gormley's participation in all prior NWA cases before the PUC and her involvement in the drafting and successful enactment of the Legislation which sets forth how the NWA Coordinator will work with Maine utilities, make her uniquely qualified for the task of implementing the process.

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**.

Based upon Ms. Gormley's prior earnings for her work in these areas the Office of the Public Advocate (OPA) has concluded that the rate we have negotiated with Ms. Gormley is fair and reasonable.

Ms. Gormley's effective hourly rate (\$100/hour) will be substantially below the going market rate of electric industry consultants.

5. Future Competition

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

The Office of the Public Advocate (OPA) is always seeking out new consultants. Nevertheless, when it comes to the expertise in planning and in cases before the Maine PUC, the OPA will continue to be in a position where it must hire that consulting expertise from the outside.

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.

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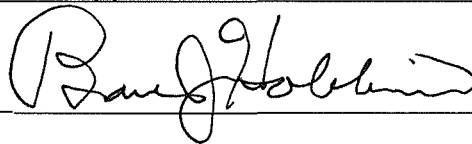
OPA requires the consulting services of Agnes Gormley who was involved in the litigation of the multiple cases involving the complex issues regarding NWA's and thus has the requisite experience to help manage the transition process of having an NWA Coordinator become an integral part of the utility distribution and transmission planning process. Ms. Gormley was also one of the authors of the enacting Legislation and is familiar with the stakeholders who will be involved in the integration process as well as the processes necessary to make the transition efficient and successful.

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:

Barry J. Hobbins, Public Advocate

Date: 9/10/2019