

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:	Joanne Allen	Office/Division/Program of Contract Administrator:	Education, School Finance and Operations
Est. Contract Amount:	\$ 500,000	Contract or RQS Number:	
Proposed Start Date:	9/25/2019	Proposed End Date:	8/31/2021
Vendor/Provider Name, City, State:		Center for Applied Research and Evaluation, 37 College Avenue, Gorham, ME 04038	
Short Description of Good or Service:		Annual statutory review, analysis, and reports on components of the Essential Programs and Services Funding Model, as required by 20-A, MRSA §15686-A and PL 2015 Chapter 267, §C-22, Chapter 389, and Chapter 489, §8	
<p>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>		<p>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>09/11/2019</u> To: <u>09/17/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191505	
<p>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.</p>			
<p>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;</p>			
<p>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;</p>			
<p><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")</i></p>		<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>	
		<p>Printed Name:</p>	
		<p>Date:</p>	

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	<i>sign and date on the right.</i>	
	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:	20-A MRSA §15689-A (3), 20-A MRSA §15686-A, PL 2015 Chapter 267, §C-22, Chapter 389 and Chapter 489, §8.
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.		
20-A MRSA §15686-A and PL 2015 Chapter 267, §C-22, Chapter 389 and Chapter 489, §8 require an annual review of one-third of the Essential Programs & Services (EPS) components to be specifically performed by a statewide education policy research institute. Results of this review and analysis must be reported to the Commissioner of Education in order that the Department may draft legislation for any proposed changes to the Essential Programs & Services Model for presentation to the Joint Standing Committee on Education and Cultural Affairs during the next two legislative sessions so that any legislatively approved changes may be implemented in the subsequent funding years.		

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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.

Statutory requirements state that the Commissioner will use information provided by a statewide education policy research institute to review the EPS model components and make any recommendations for changes to the legislative policy committee having jurisdiction over education funding.

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**.

The amount to fund this work is appropriated by the Legislature; to determine the amount of the appropriation, the Department compared costs for similar negotiated services and found them to be comparable. USM-CEPARE has held its costs for service at this level for a number of years.

5. Future Competition

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

USM-CEPARE maintains staff with the unique expertise necessary for the specified work and has the historical data necessary for the review therefore, it would be extremely difficult to replicate with another contractor without a significant increase in cost.

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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.

20-A MRSA §15689-A (3) specifically requires that this review be performed by a statewide education policy research institute.

The specified contractor is a statewide education policy research institute and has existing staff with the knowledge of and expertise in the Essential Programs and Services model which is needed for this review. This contractor also has the historical knowledge and data necessary to perform this review.

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.

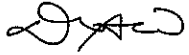
Work must begin this month in order to complete the review and report to the legislature as required under 20-A MRSA, §15686-A.

Another contractor would not have staff currently trained in the Essential Programs & Services components and related historical educational research necessary to perform the analysis of the components. Training time for another contractor would take significant time and would delay the statutorily required reporting.

**Signature of requesting Department's
Commissioner or Chief Executive
(or designee within the**

*By signing below, I signify that my Department requests,
and I approve of, this Waiver of Competitive Bidding.*

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Commissioner's Office):	
Printed Name:	Daniel A. Chuhta, Deputy Commissioner
Date:	9/10/2019