

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:	Donna E. Grant, Deputy Secretary of State	Office/Division/Program of Contract Administrator:	Office of Information Services, The Department of Secretary of State
Est. Contract Amount:	\$6,374.04	Contract or RQS Number:	RQS29B2019091300000000337
Proposed Start Date:	11/30/2019	Proposed End Date:	11/30/2020
Vendor/Provider Name, City, State	DLT Solutions. LLC 2411 Dulles Corner Park Suite 800 Herndon, Virginia 20171		
Short Description of Good or Service:	Annual Renewal of TOAD for Oracle		
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>9/19/2019</u> To: <u>9/25/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191557	
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:
<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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		

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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.

The Office of Information Services uses Tools for Oracle Application Development or TOAD to develop, manage, and maintain its Oracle databases. TOAD is used to manage relational and non-relational databases using SQL. TOAD provides for automated code testing and code analyses. Since the department's operations are dependent upon its Oracle databases, TOAD is essential to the services and products provided by the Department to Maine residents and the business community.

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.

TOAD is proprietary software which is owned by Quest Software. TOAD products cannot be purchased through Quest Software but rather must be purchased from a third party reseller. Since TOAD is proprietary software, it cannot be purchased from another governmental agency or private business other than Quest Software's appointed Value Added Resellers.

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**.

For the past two years, the Department of the Secretary of State, Information Services has purchased the annual renewal of TOAD from DLT Solutions. Prior to 2017, the renewal of TOAD was purchased through a different vendor. The annual cost for the renewal of TOAD with DLT Solutions is approximately \$300 less than Information Services paid the original vendor, three years ago, for the annual renewal of TOAD.

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 Information Services is open to the competitive bidding process for software and hardware. However, when Information Services did go out to bid previously, no vendors bid on this product.

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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.

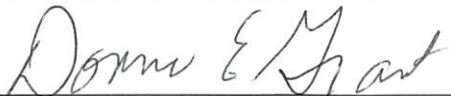
6. Uniqueness

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.

TOAD is the leading database development and optimization software. It reduces the time and effort required to develop and manage Oracle databases. TOAD allows database professions to automate frequent and repetitive processes and to minimize the risks associated with making changes. TOAD simplifies workflows and helps to easily handle database administration tasks. It also helps to quickly pinpoint and resolve database performance inefficiencies. The functions that TOAD provides are essential to the efficient functioning of Information Services’ Oracle database environment.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	
Date:	Donna E. Grant, Deputy Secretary of State for Information Services September 16, 2019