

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:	Cathy Severance	Office/Division/Program of Contract Administrator:	Education in the Unorganized Territory
Est. Contract Amount:	\$22,000.00	Contract or RQS Number:	05C20170824*751
Proposed Start Date:	08/01/19	Proposed End Date:	07/31/2021
Vendor/Provider Name, City, State:	Bennett Transportation VC1000008233 ATTN: Bill Bennett 46 Union Street Fryeburg, ME 04037 (207)925-2190		
Short Description of Good or Service:	Transportation of 10-15 students residing the unorganized territory of Albany Twp to and from their assigned schools in MSAD #72.		
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 <i>Procurement Services</i> website: From: <u>09/24/2019</u> To: <u>09/30/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191574		
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:

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	<p>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;</p>	
	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>	
	<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i></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>	
X	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	<p>Any willing and qualified provider.</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 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>Amendment is based on the continued availability, as anticipated, of a qualified, licensed vendor that is willing to provide the required service. There are no other student transportation businesses willing to travel to Albany Twp to transport children to and from schools in RSU#72 at a reasonable cost.</p> <p>The EUT reaches out to and is willing to contract with any willing and qualified, certified licensed provider to perform the necessary services.</p>		

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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 State of Maine RFP process was not used to advertise and go out for bid for this service. Inquiries to vendors did not produce any vendor results for the service required. The remote geographical area for this service makes it too costly for providers outside the area to even consider bidding for the service. The above, local to the area provider has provided the service for the past several years and is willing to continue providing the service at a fair and reasonable cost.

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**.

This provider also contracts with multiple school districts in Maine. All of the company drivers meet all of the State of Maine required driver certifications such as fingerprinting, background checks & drug and alcohol testing. The only other alternative for the EUT to provide the required transportation of its students in this area, is to purchase a bus and hire a driver. However, in regards to a long term capital investment, that would not be a fiscally sound decision. Student enrollments in this area are decreasing and there is a shortage of qualified school bus drivers statewide. The provider has also not requested any cost increase for this next 2 years.

5. Future Competition

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

The UT continually coordinates and collaborates with local area schools in order to gain information for willing providers who are qualified and/or already providing services in other local districts.

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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.

This provider also contracts with multiple school districts in Maine. All of the company drivers meet all of the State of Maine and Federally required driver certifications to include fingerprinting, background checks & drug and alcohol testing.

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:

DAC
Daniel A. Chuhta, DOE Deputy Commissioner

Date:

08/23/19