

PM-19559
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:	Ruth Ann Burke	Office/Division/Program of Contract Administrator:	Dept of Environmental Protection / Office of the Commissioner
Est. Contract Amount:	\$ Not to exceed 50,000	Contract or RQS Number:	
Proposed Start Date:	January 1, 2020	Proposed End Date:	January 1, 2024
Vendor/Provider Name, City, State:	City of Augusta / Augusta Civic Center 16 Cony Street Augusta, ME 04330		
Short Description of Good or Service:	Occasional meeting space and associated infrastructure: <ul style="list-style-type: none"> • Mtg space and equipment (tables, audio/visual, internet access) • Set-up / Clean-up of conference room, security as needed • Other: refreshments – water, coffee, light refreshments, occasional meals 		
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>09/24/2019</u> To: <u>09/30/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191579		
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")</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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	<i>sign and date on the right.</i>	
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.

The Department of Environmental Protection, including the Board of Environmental Protection, is charged with implementing the State's environmental laws and preserving, improving, and preventing diminution of the State's natural environment (38 MRS § 341-A). In fulfillment of its mission, the Department and Board conduct numerous public meetings as well as formal rulemaking and adjudicatory hearings at which legally enforceable rulemaking, licensing, and enforcement decisions are made.

The Department/Board must procure meeting space for these various meetings and hearings when State-owned facilities cannot accommodate the need due to lack of availability, number of anticipated participants, and/or lack of essential infrastructure such as advanced audio/visual equipment and internet access for live audio-streaming of proceedings. Department/Board meetings and hearings are public proceedings and must

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accommodate not only the regulated entities whose legal rights and duties are at issue but also all members of the public that wish to attend.

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.

This contract is not intended for the sole source procurement of all meeting space, but rather for ad hoc procurement of meeting space by the entire Department in the accomplishment of its statutory obligations to conduct proceedings in public forums that can accommodate not only the parties directly involved in the proceeding, but also all those who wish to attend.

The Department/Board use DEP and other State office building space (such as conference rooms in the Marquardt Building and Cross Office Building) when available, particularly for small meetings and conferences. In accordance with Executive Order FY11/12, the Department first considers the availability and suitability of armory space.

Department/Board staff has periodically visited the Augusta Armory to assess its suitability for large meetings involving rulemaking, licensing and enforcement proceedings, but the facility does not have much of the required infrastructure. It lacks: a sound system with multiple desktop and cordless microphones, ability to live audio-stream proceedings, task lighting, refreshment service, break-out rooms, etc.

This contract will enable the Department and the Board to utilize the Augusta Civic Center when needed for the efficient and orderly conduct of the State's business.

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**.

Large meeting room space in the Augusta area is limited. While somewhat more expensive than either the Elks Lodge or the Calumet Club, rooms at the Civic Center are more professional (table skirting, water service, sound system) and better able to accommodate the public (numbers, better bathroom facilities, etc.) than at other facilities. The Civic Center is comparable in price with commercially available Maple Hill Farm.

Civic Center: Single rooms range in price from \$160 to \$295 for a half day (\$215 to \$400 for a full day) plus \$2.50/ chair. Assuming 100 chairs (\$410 to \$545 for a half day) (\$465 to \$650 for a full day).

Elks Lodge: For the entire room: \$300 for a half day and \$500 for a full day.

Calumet Club: \$350 for a half day and \$600 for a full day.

Gathering Place at Maple Hill Farm in Hallowell: \$635 for up to 8 hours.

Additionally, the Civic Center has agreed to a liberal cancellation policy for the Department/Board in the event of bad weather, closure of State offices, and other unanticipated events. Also, in recognition of the fact that the Department/Board have Maine Administrative Procedure Act requirements for notice of public proceedings and hearings that must be published a specific number of days prior to the event, the Civic Center has agreed to give the Department/Board priority in the event of an inadvertent double booking of a room.

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5. Future Competition

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

There are a limited number of facilities in the Augusta area that provide professional meeting space, and none comparable to the Civic Center for large meetings. The Department and Board use other meeting space on an ad hoc basis, including the Calumet Club and Elks Lodge, when the infrastructure needs for a particular meeting are less demanding. The Department also uses facilities such as the Calumet Club for in-house Department wide meetings that do not involve legal proceedings.

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.

It is essential that the Department/Board’s meetings and hearings involving licensing and enforcement matters be conducted in facilities that enable the various parties to clearly present their respective cases to the decision-maker, as the decisions are legally enforceable and may be appealed to court.

The facilities’ conference rooms are professional in appearance and are designed in a manner which prevents noise intrusion from other events at the facility. The contractor provides high quality audio/visual support, including a sound system that can accommodate multiple desk-top microphones as well as cordless mikes – all of which are essential for the clear presentation of evidence and sworn testimony involving detailed technical information. The facility can accommodate meetings that need to extend into the evening hours, such as evening sessions to receive testimony from members of the public, and can provide security as needed for highly contentious proceedings.

The Department is also required to ensure that its proceedings are accessible to the public, can accommodate anticipated numbers, and are equipped such that the public can clearly hear and otherwise observe the proceeding. The Civic Center has a large assortment of meeting rooms with capacities ranging from 60 to several thousand, providing flexibility in room arrangement for different types of meetings and proceedings, which also allows the Department to minimize costs through room size selection. The facility also provides internet access with sound board for the live audio-streaming of meetings and hearings thereby facilitating public access to State government proceedings.

The Civic Center is conveniently located for the regulated community and the public as it is directly off an interstate exit.

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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:

Gerald D. Reid

Date:

2/17/19