

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:	Stacy R. Knapp	Office/Division/Program of Contract Administrator:	Emissions Inventory Bureau of Air Quality Dept. of Env. Protection
Est. Contract Amount:	\$12 564.90	Contract or RQS Number:	
Proposed Start Date:	October 1, 2019	Proposed End Date:	September 30, 2020
Vendor/Provider Name, City, State	Entropy Harness LLC, 1597 River Rd, Faber, VA 22938 Contact: Andrew Shannon		
Short Description of Good or Service:	Maintenance and Technical Support for MAIRIS Application		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>9/25/2019</u> To: <u>10/1/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191582	
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 Purchases "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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

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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.

MAIRIS is a web-based reporting tool and database used by licensed facilities for reporting emissions-related data as required by *Emission Statements*, 06-096 C.M.R. ch. 137 and by DEP staff to meet the reporting requirements of the Consolidated Emission Reporting Rule. Each year, the DEP must maintain and update the system to match reporting year requirements, improve functionality based on user experience, and improve features as required. MAIRIS was designed and built by the vendor the DEP is seeking a maintenance agreement with. The maintenance and upgrade to this system can be done most economically by the entity that designed and built it.

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.

MAIRIS was designed and built in 2009 by a contractor. At the time there were no resources within State government that could do this work, and this continues to be the case. The level of expertise required is not available from OIT or other Departments. Other agencies and regional organizations do not have a system from which expertise could be drawn from for this work. Our vendor, Entropy Harness, is the only entity with the depth of knowledge required to complete the work in question.

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 vendor has performed maintenance on the MAIRIS system for many years. The proposed scope of work includes preparing the system for the next emissions inventory year, including updates to allow more efficient processing and review by DEP staff as well as those that will make inventory submissions easier for facilities. The vendor has proposed a solid plan for accomplishing this work that minimizes the expenditure of time and resources.

This year's contract includes resolving additional accessibility and security issues found by OIT scans.

5. Future Competition

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

If the current vendor were unable to provide the services required, a competitive bid would be required.

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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 vendor designed and built the software and system known as MAIRIS. This vendor is most intimately familiar with MAIRIS and its nuances, structure, and operation. Any other vendor would have to become familiar with the system which would require cooperation from the current vendor. This would take months and result in a doubling, tripling, or more of the costs associated with some of the work.

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 Reid, Commissioner

Date:

9/7/19