

**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.

<b>Requesting Department's Contract Administrator:</b>	Beth Lambert	<b>Office/Division/Program of Contract Administrator:</b>	Department of Education, Office of Learning Systems				
<b>Est. Contract Amount:</b>	\$378,000.00 Cost Break Down in #4	<b>Contract or RQS Number:</b>	CT 20190912*0851				
<b>Proposed Start Date:</b>	07/01/2020	<b>Proposed End Date:</b>	06/30/2021				
<b>Vendor/Provider Name, City, State:</b>		JAMF Software LLC, NW 6335, P.O. Box 1450, Minneapolis, MN					
<b>Short Description of Good or Service:</b>		Provide Mobile Device Management (MDM) services and licenses for all MLTI devices for one year.					
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 style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> Posting dates on Division of <i>Procurement Services</i> website: From: <u>09/25/2019</u> To: <u>10/02/2019</u>					
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0920191591					
<b>1. Statutory Justification</b>							
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;						
<input type="checkbox"/>	<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> <b>Signature:</b>  <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><b>Printed Name:</b></td> <td style="border: none;"><b>Date:</b></td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		<b>Printed Name:</b>	<b>Date:</b>		
<b>Printed Name:</b>	<b>Date:</b>						
<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						

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	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:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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 Maine Learning Technology Initiative is a Department of Education program funded using General Purpose Aid. "The fund must be used to enable the full integration of appropriate learning technologies into teaching and learning for the State's elementary and secondary students. The fund must be managed and governed in a manner that provides for the financially sustainable support, use and integration of learning technology in Maine schools as determined by the Legislature" (Maine Revised Statutes 20-A §19102).

Since 2002, the Department has provided all districts with students in 7<sup>th</sup> and 8<sup>th</sup> grade a full solution that included devices, device management, professional learning, Wi-Fi, etc. During the 2020-2021 school year, the Department will not have a full solution option in place, instead taking a "Bridge Year" as it determines the next steps for the program. The DOE has funding available to leave all current infrastructure, however, the device management portion of the infrastructure requires that licenses be purchased each year. In order to meet the statutory requirements cited above, the DOE must procure

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device management licenses. Device management allows schools to configure all the devices in such a way that meets state and federal polices (CIPA, COPPA, FERPA, and other student data privacy needs). It also allows them address issues such as vulnerabilities to devices that can happen or instances of device theft. Additionally, device management allows schools to determine which content (apps, books, etc.) is available to each student, which helps make sure technology use is developmentally appropriate and allows schools to save money by being able to reuse content license. Additional information can be provided as needed.

The schools have had a mobile device management system (MDM) set up as part of MLTI for years. Jamf is the provider and worked closely with Apple and MLTI schools to ensure each school is set up properly and has supported the training of staff in schools. Changing the providers and setting up new systems would be costly to the districts both financially and with a time/personnel resource capacity. To avoid serious disruption and hardship to schools, we recommend that the State continue to pay for the same licenses for the 2020-2021 school year.

**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 MLTI program has been administered by outside vendors (as part of winning an RFP) for years because we do not have the in-house expertise to support the management of nearly 90,000 devices that are in the Pre-K-12 school districts. Other state agencies also do not have this capacity – and even if they claimed to be able to develop this capacity – we would not want to incur the set-up costs for new management or impose serious disruption to our PreK-12 schools for one year of continued service.

**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 MLTI program receives a serious volume discount from Jamf currently. This was part of the original RFP. The prices would remain the same.

\$6 per iPad x 3,000 iPads = \$18,000  
\$12 per MacBook Air x 30,000 MacBook Airs = \$360,000  
Total = \$378,000

**5. Future Competition**

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

The MLTI is being examined by various stakeholders and will be re-envisioned for the 2021-2022 school year and beyond. If device management is to be a part of its future, that will be included in a subsequent RFP.

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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.

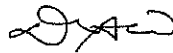
While there are other mobile device management (MDM) systems, there are none that are currently all set up on the 90,000 MLTI devices. Jamf is currently set up and has supported schools since 2016 and MLTI since 2013. Beyond the existing infrastruce that is already build, the field of technology directors and schools has grown to be proficient in using the system over the past few years and asking them to set up a new system would be onerous and disruptive.

**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:**

Daniel A. Chuhta

**Date:**

9/24/2019

**Certificate Of Completion**

Envelope Id: 3D5D7A23E27C48D0A61D4F84D722FF95  
 Subject: Please DocuSign This Document  
 Source Envelope:  
 Document Pages: 4  
 Certificate Pages: 1  
 AutoNav: Enabled  
 Envelope Stamping: Disabled  
 Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Status: Completed

Envelope Originator:  
 Daniel A. Chuhta  
 Daniel.Chuhta@maine.gov  
 IP Address: 162.248.184.11


**Record Tracking**

Status: Original 9/24/2019 11:53:48 AM	Holder: Daniel A. Chuhta Daniel.Chuhta@maine.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Carahsoft OBO Maine Department of Education	Location: DocuSign

**Signer Events**

Daniel A. Chuhta  
 Daniel.Chuhta@maine.gov  
 Deputy Commissioner  
 Maine Department of Education  
 Security Level: Email, Account Authentication (None)

**Signature**

  
 Signature Adoption: Uploaded Signature Image  
 Using IP Address: 198.182.163.102

**Timestamp**

Sent: 9/24/2019 11:53:51 AM  
 Viewed: 9/24/2019 11:54:31 AM  
 Signed: 9/24/2019 11:55:02 AM  
 Freeform Signing

Electronic Record and Signature Disclosure:  
 Not Offered via DocuSign

**In Person Signer Events**

**Signature**

**Timestamp**

**Editor Delivery Events**

**Status**

**Timestamp**

**Agent Delivery Events**

**Status**

**Timestamp**

**Intermediary Delivery Events**

**Status**

**Timestamp**

**Certified Delivery Events**

**Status**

**Timestamp**

**Carbon Copy Events**

**Status**

**Timestamp**

**Witness Events**

**Signature**

**Timestamp**

**Notary Events**

**Signature**

**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

Envelope Sent	Hashed/Encrypted	9/24/2019 11:53:51 AM
Certified Delivered	Security Checked	9/24/2019 11:54:32 AM
Signing Complete	Security Checked	9/24/2019 11:55:02 AM
Completed	Security Checked	9/24/2019 11:55:02 AM

**Payment Events**

**Status**

**Timestamps**