

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:	Sheila McDonald	Office/Division/Program of Contract Administrator:	Maine State Museum
Est. Contract Amount:	\$10,000	Contract or RQS Number:	
Proposed Start Date:	October 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:	Donald Button dba Digital Gizmo 17 Chenery Terrace Belmont, MA 02478		
Short Description of Good or Service:	Development of museum digital educational interactive		
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>09/27/2019</u> To: <u>10/03/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191612		
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.			
<p>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;</p>			
<p>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;</p>			
<p><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></p>		<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p>	
		Printed Name:	Date:
<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</p>			

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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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>
X	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.

For its bicentennial exhibition, the Maine State Museum plans to display an important map created in 1820. To best present this map and use all of the educational potential of it, the museum seeks to develop an educational interactive for use in the museum gallery by visitors of all ages. This interactive will primarily be centered on one or two touchscreens that will allow visitors to navigate around the map and use it to understand interactions of residents within the early 19th century Maine landscape.

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.

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No one at the Maine State Museum, or elsewhere in state government, is experienced specifically in the development of museum digital educational interactives for general audiences that specifically address the needs of the Maine State Museum within a gallery setting.

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 Maine State Museum has worked with vendors of digital educational interactives in the past and is able to identify the general scope of development, technical interface, design, and tech/production support costs. The museum also understands the related costs of collaboration required to ensure that the work done meets museum needs. Digital Gizmo, in laying out this specific, multi-phased budget, has estimated costs that are fair and reasonable within the experience of the Maine State Museum in working with contractors to develop other digital museum educational interactives of this type.

5. Future Competition

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

The Maine State Museum will continue to research the services of contractors that develop and support museum digital educational interactives within gallery spaces in an effort to find others that may be qualified to do such work at the level of professionalism, technical capability, and collaboration required to meet museum needs.

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.

Digital Gizmo has specific technical and design expertise in developing digital educational interactives for museum audiences with museum gallery spaces. This expertise relates specifically to the ability to develop and use digital learning tools to communicate in instructive, interactive, and engaging ways with museum visitors of all ages. Digital Gizmo has demonstrated their proficiency in this area in another major museum project in Maine, as well as in work for other museums throughout New England.

7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

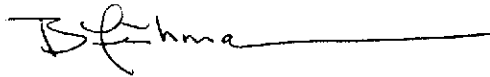
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was

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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:

Bernard Fishman, Museum Director

Date:

September 24, 2019