

## 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>	Janette Kirk	<b>Office/Division/Program of Contract Administrator:</b>	Office of Learning Systems – Assessment
<b>Est. Contract Amount:</b>	\$ 7,916	<b>Contract or RQS Number:</b>	
<b>Proposed Start Date:</b>	October 1, 2019	<b>Proposed End Date:</b>	June 30, 2020
<b>Vendor/Provider Name, City, State:</b>	Consulting Educators LLC 36 Arlington Street, Portland, ME 44101.		
<b>Short Description of Good or Service:</b>	<p>Technical and in person support to assist the administration of the eMPowerME state assessment. Advise the Maine Department of Education on matters of technology as it pertains to the administration of online assessments and the reporting of data.</p> <p>Services will be provided remotely as the above school district locations and locations to be determined across the state in in relation to professional development.</p>		
<b>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.</b>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: _____ To: _____</p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# _____		
<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.			
	<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><b>Signature:</b> _____</p>		
	<b>Printed Name:</b>	<b>Date:</b>	



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	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:  <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;
<b>X</b>	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:
<b>Please note that the following four points below (#2 through 5) all require a response.</b>		
<b>2. Description of Specific Need</b>		
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>Maine school districts require at times, one-to-one support related to the administration of the eMPowerME state assessment. The assessment team has an assessment coordinator who is responsible for the implementation of the eMPowerME, SAT and MEA Science State assessments. As a result, this single assessment coordinator does not have the capacity to support the multiple needs identified by schools and districts. The availability of a Maine educator to support and reach out to Maine schools and districts is of great benefit and expedites the Departments response in assisting schools. This educator is familiar with all facets of the assessment, technology to administer the assessment and test administration specifications. Without this educator assisting the Department in providing support to Maine schools, District Assessment Coordinators, tech directors, and assessment administrators will be lacking on the ground experienced support.</p>		
<b>3. Availability of other Public Resources</b>		
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		



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address the identified need more efficiently and effectively than the identified vendor.

The assessment team has 5 staff members not inclusive of a team leader.  
eMPowerME, MEA Science and SAT Assessment coordinator  
MSAA, PAAP and ACCESS assessment coordinator  
NAEP assessment coordinator  
Data Analyst  
Management Analyst/Office Manager

The current staffing as listed above is unable to be in the office supporting and managing the implementation of the relevant assessments prior to and during the assessment administration window. Their expertise is required to provide technical support to those calling for assistance related to administration. If staff were required to be in Maine schools during this time, the response and support provided to school and district assessment administrators would be severely impacted.

There are other tech. directors that have experience with assessment administration however, this vendor has unique experience regarding the testing platform, technology used and test administration and work arounds. The vendor has successfully provided support to Maine schools in prior contract and the knowledge related to being engaged in the work in a school is an invaluable perspective to understanding and addressing challenges experienced by Maine educators during assessment administration.

#### 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 cost of \$90 per hour has been deemed fair and reasonable in relation to the level of expertise being provided by the vendor. Subject matter experts from large scale organizations have a much higher cost associated with support.

#### 5. Future Competition

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

Should more comprehensive or increased regionalized supports be required to meet the needs of Maine School districts, the Department will explore a competitive approach to awarding the contract.

**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.**

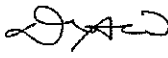
#### 6. Uniqueness

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.

Andrew Wallace, the recipient of the contract within the Consulting Educators LLC contract has demonstrated experience in assessment administration, preparation for assessment administration, technology integration and utilization to implement the testing platform in addition to relationships with educators, schools and districts across the State. Andrew is in the unique position of being available to meet the needs of schools and educators were they area and provide necessary technical assistance to ensure a smooth testing administration.



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<b>7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)</b> 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.	
<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
<b>Printed Name:</b>	Daniel Chuhta, Deputy Commissioner
<b>Date:</b>	9/26/2019



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
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Freeform Signing

Daniel.Chuhta@maine.gov

Deputy Commissioner

Maine Department of Education

Security Level: Email, Account Authentication (None)

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**In Person Signer Events**

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**Editor Delivery Events**

**Status**

**Timestamp**

**Agent Delivery Events**

**Status**

**Timestamp**

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**Carbon Copy Events**

**Status**

**Timestamp**

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**Signature**

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**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

Envelope Sent

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9/26/2019 3:31:10 PM

Certified Delivered

Security Checked

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Signing Complete

Security Checked

9/26/2019 3:34:45 PM

Completed

Security Checked

9/26/2019 3:34:45 PM

**Payment Events**

**Status**

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