

**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>	Terry Morrell, Chair	<b>Office/Division/Program of Contract Administrator:</b>	Maine Telecommunications Relay Council
<b>Est. Contract Amount:</b>	\$ 26,000	<b>Contract or RQS Number:</b>	RQS 95T 20190926*0371
<b>Proposed Start Date:</b>	7/10/2019	<b>Proposed End Date:</b>	7/10/2019
<b>Vendor/Provider Name, City, State:</b>		Sprint, Kansas City, MO	
<b>Short Description of Good or Service:</b>		Sprint Accessibility Outreach video tapes	
<p>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>		<p><b>To be completed by the Division of Procurement Services</b>          Posting dates on Division of <b>Procurement Services</b> website:          From: <u>09/30/19</u> To: <u>10/06/19</u></p>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0920191615	
<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;		
<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>
<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;		

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	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:	
<b>Please note that the following four points below (#2 through 5) <u>all</u> 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>The Maine Legislature established the Maine Telecommunications Relay Services Council as the entity that is responsible for ensuring that telecommunications relay service (TRS) and captioned telephone service (CapTel or CTS) are telecommunications services that allow citizens of Maine who are deaf, hard-of-hearing, late-deafened or speech-disabled to communicate via telecommunications.</p> <p>In January of 2019, Sprint Communications began providing TRS services pursuant to a contract with the TRS Council. The Council had followed state procurement rules for this contract. Sprint Communications has created educational videos that demonstrate how to use its particular services. Sprint described these videos to the TRS Council, which voted to purchase them for posting on its website to be widely available for TRS users. These videos are an invaluable means of providing TRS users direct information on how to access TRS services in all its different permutations. As the provider of TRS services in Maine, Sprint is the only vendor that has these videos available.</p>		

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**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 provision of TRS services is highly specialized and subject to federal regulations. The TRS Council has always contracted for these services. As stated above, through the RFP process, the TRS Council awarded the contract for TRS services to Sprint Communications in late 2018. There is no agency or entity within state government that could provide these services. In fact, there are only three of four companies in the United States with the capability of providing these services. The videos that the TRS Council is purchasing from Sprint are educational tools for TRS users. These videos could not be produced by any agency within state government, nor does the federal government provide any direct TRS or TRS outreach/educational services.

**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 Council voted to pay Sprint's offering price for the videos, which were produced at considerable expense. The price that Sprint offered is the same price that it charges to states who have contracted with it for the provision of TRS services.

**5. Future Competition**

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

The provision of TRS services and all associated educational and outreach materials are highly specialized and complex. There are only three or four companies within the United States who are capable of providing these services. Sprint's videos, which provide TRS users with instruction and information on how to access TRS services through its system, are unique to Sprint. No other commercial entity would seek to provide such services, nor would it have the ability to provide such services.

**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.**

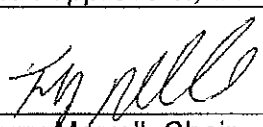
**6. Uniqueness**

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.

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As set forth above, the provision of TRS services and all associated educational and outreach materials are highly specialized and complex. There are only three or four companies within the United States who are capable of providing these services. Sprint's videos, which provide TRS users with instruction and information on how to access TRS services through its system, are unique to Sprint. Providing educational videos for deaf, hard of hearing, late deafened and speech-disabled citizens is essential to the provision of TRS services in Maine. The TRS Council hopes that access to these videos will improve access and increase the number of citizens using these critical services. The Council particularly hopes that late-deafened individuals who have never used these services before will access the videos and learn that the TRS system can make it possible for them to use telecommunications services effectively.

**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.

<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>	Terry Morrell, Chair
<b>Date:</b>	September 25, 2019