

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:	Jaime Pelotte	Office/Division/Program of Contract Administrator:	Department of Public Safety, Bureau of Highway Safety				
Est. Contract Amount:	\$ 630,000.00	Contract or RQS Number:	CT16A20170918*1064				
Proposed Start Date:	10/01/2017	Proposed End Date:	09/30/2022				
Vendor/Provider Name, City, State:		Lexis Nexis Risk Solutions, Inc. 100 Alderman Dr. Alpharetta, GA 30005					
Short Description of Good or Service:		System Support, maintenance and upgrades					
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;">To be completed by the Division of Procurement Services</p> Posting dates on Division of Procurement Services website: From: <u>9/30/2019</u> To: <u>10/7/2019</u>					
Notice of Intent to Waive Competitive Bidding Number:		NOI#0920191616					
<p>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;						
	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: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;">Printed Name:</td> <td style="width: 40%; border: none;">Date:</td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		Printed Name:	Date:		
Printed Name:	Date:						
	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;	
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc.</p>	
	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.	
X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Vendor was approved for contracted services in 2017; amendment to add scope and funds for FFY20
Please note that the following four points below (#2 through 5) <u>all</u> 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.		
Lexis Nexis Risk Solutions was awarded contracted services thru RFP# 20080505223 to provide several web-based systems for use by state agencies, law enforcement and the public. The initial contract was completed as well as eight (8) additional years thru renewal periods.		
These traffic records systems have been reviewed, approved, created and are used by Department of Public Safety, Department of Transportation, Bureau of Motor Vehicles, Maine State Police, Maine Judicial System, municipal and county law enforcement, the Fatality Analysis Reporting System, Metropolitan Planning Organizations and the general public. These systems include: Maine Crash Reporting System (MCRS), Maine Public Query Access Tool for crash and fatal statistics, and E-Citation. Lexis Nexis has also facilitated and federally required Traffic Records Coordinating Committee and the Annual Traffic Records Strategic Plan/application for more than eight (8) years on behalf of the Department of Public Safety.		

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As a result of federal updates to traffic records system requirements under Model Minimum Uniform Crash Criteria (MMUCC) and other federal guidelines, these systems are in frequent need of enhancements. Such enhancements include deleting, changing and increasing specific data elements (i.e. Distraction) to capture more information on the crash form. Maine crash reporting was created in 1998 and 1999 under Traffic Records purview. The system has evolved but continues to support statewide crash reporting by all law enforcement agencies. Needed enhancements to this system include updating federal elements and creating the interface between motor vehicle data and the crash system to allow certain license and registration fields within MCRS to auto populate. E-Citation has been developed and is currently in the testing phase. Test data is being transmitted to the Courts electronically. Unfinished e-citation projects include the interface from the driver and license information to e-citation to auto-populate those fields for officers. A few upgrades are needed to the public query access tool which allows the public to run ad-hoc reports on crash and fatal data to use for municipal planning or general reporting. New this year will be Traffic Records Data Warehouse - Phase 1- Crash.

Finally, the remainder of this contract includes annual maintenance for these already established systems. Annual maintenance includes help-desk support for all Maine law enforcement for MCRS, Public Query and E-Citation; and support for MaineDOT with crash data export and review.

With the exception of E-Citation and Traffic Records Data Warehouse – Phase1 - Crash which is still in the development/testing stage, these traffic records systems have been successfully deployed and some have been in place for many years. The enhancements are upgrades to existing systems and the annual maintenance and facilitation are essential to the ongoing support needed to realize the return on our investments.

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.

These services are not available through the state office, the contractor has provided the system and support for various years and has the expertise to maintain and upgrade the systems as needed.

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 amount was negotiated and based on prior yearly contract expenses is fair and reasonable.

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5. Future Competition

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

If these systems become obsolete or if the vendor fails to meet the performance requirements, then the State would issue an RFP to replace the systems.

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.

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.

A change in vendor would stall the progress of these ongoing projects that are utilized by state agencies, law enforcement and the general public on a daily basis.

**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:

Michael J. Sauschuck

Date:

9-24-19