

## 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>	Matt Ruel Jaye Parker	<b>Office/Division/Program of Contract Administrator:</b>	Office of Public Safety – Maine State Police
<b>Est. Contract Amount:</b>	\$ 74,000	<b>Contract or RQS Number:</b>	RQS-16A- 20190926*0373
<b>Proposed Start Date:</b>	9/26/2019	<b>Proposed End Date:</b>	3/31/2020
<b>Vendor/Provider Name, City, State:</b>	Idemia Anaheim CA 92807		
<b>Short Description of Good or Service:</b>	Live Scan equipment and Maintenance		
<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 style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:          From: <u>10/1/19</u> To: <u>10/7/19</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1020191627		
<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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. <b>Signature:</b>	
<input type="checkbox"/>		<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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	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i></p>
	<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;</p>
	<p>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.</p>
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>

**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 State of Maine has strategically placed LiveScan fingerprint capturing devices throughout the State. However, in a rural state such as Maine safely conducting criminal fingerprinting continues to be a challenge. At times, fingerprinting just cannot be done by the arresting criminal justice agency. Thus, the opportunity to capture these criminal biometrics for the use by the criminal justice community is lost. Maine has long desired to have LiveScan devices located in the State's courts. At those locations, the charged suspect is on hand and fingerprints can be taken if they have not already been done. Maine law supports this process but Maine has always lacked the devices (funding) to make it happen.

**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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This is not available by any state or federal entity.

**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 Police has received a grant for the purchase 5 LiveScan units to place in 5 courts as a pilot project. The last LiveScan we purchased in 2016 cost us \$27,321. We have negotiated a replaced program for these new livescans at a cost of 18,500 each (includes the first-year maintenance).

Only four of these have a court location functional so four will be delivered, with the fifth one being held until the facility is ready to receive.

**5. Future Competition**

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

We currently have a 10-year project in place for livescans statewide. At the end of that timeframe, we expect technology to have changed to the point where this equipment will be outdated and will need replacement. We will be following the trend closely to ensure that we will be able to identify the most up-to-date and efficient equipment available and will work to make this acquisition using the best vendor based on pricing and compatibility with our other 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.

Our need to use MorphoTrak Livescans has not changed. Since the LiveScan and fingerprint software is proprietary the devices can't be purchased from anyone other than our current vendor. Additionally, these livescans are connect to a shared system with NH and VT and their system does not allow transfer of information to or from other livescans devises as they use the same proprietary algorithms.

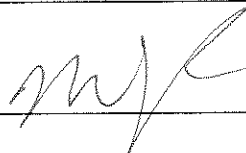
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**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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:**

Michael Sauschuck

**Date:**

9-27-19