

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:	Maine Department of Public Safety; Bureau of Highway Safety
Est. Contract Amount:	\$ 35,000.00	Contract or RQS Number:	CT16A 2019090500000000738
Proposed Start Date:	10/01/2019	Proposed End Date:	09/30/2020
Vendor/Provider Name, City, State:	Governors Highway Safety Association		
Short Description of Good or Service:	Consultant-Pre Management Review		
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> <p>Posting dates on Division of Procurement Services website: From: <u>10/4/2019</u> To: <u>10/10/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191646		
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.			
	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:		
	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;		

State of Maine Waiver of Competitive Bidding Request Form

	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>	
	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:	GHSA's Consulting Services Initiative (CSI) helps State Highway Safety Offices (SHSO) with important and necessary projects. CSI's pool of consultants are seasoned traffic safety professionals, with SHSO and/or NHTSA expertise. GHSA was named in the 2020 Annual Highway Safety Plan approved by National Highway Traffic Safety Association (NHTSA) on August 15, 2019 for services 10/1/19-9/30/20.
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.		
In 2003, the General Accounting Office (GAO) issued a report suggesting that the National Highway Traffic Safety Administration (NHTSA) could improve its oversight of state highway safety programs. As a result, NHTSA initiated the Management Review (MR) process in which every state program is reviewed at least once every three years. The MR addresses both administrative and financial aspects of a state highway safety program. Congress subsequently made the requirement for triennial MRs permanent by incorporating it into Section 2008 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The MR requirement continued under the next federal highway funding act, Moving Ahead for Progress in the 21 st Century (MAP-21), and remains in effect today as outlined in the Fixing America's Surface Transportation (FAST) Act.		

**State of Maine
Waiver of Competitive Bidding Request Form**

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 within Maine Department of Public Safety.

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 proposed rate of pay for these services are reasonable and acceptable based on the scope of services proposed.

5. Future Competition

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

If these services become available by another vendor or the vendor fails to meet the scope of services, then the State would issue an RFP to conduct this preliminary management review.


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.

GHSA is the nonprofit association representing State and Territorial Highway Safety Offices (SHSOs). GHSA provides leadership and representation to the states and territories to improve traffic safety, influence national policy, enhancement program management, and promote best practices. GHSA's CSI consultants are uniquely qualified to address MeBHS' request due to their understanding of the complexities of running an SHSO, which involves not only identifying and developing a comprehensive plan to address a state's most pressing highway safety problems, but also working with multiple stakeholders to select and deploy the most appropriate countermeasures using grant funds in accordance with strict federal and state guidelines. GHSA is the only entity that works directly with states and NHTSA to provide oversight of the MR process and has developed proprietary MR preparation tools used exclusively by CSI consultants on behalf of the states.

State of Maine
Waiver of Competitive Bidding Request Form

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Michael J. Sauschuck, Commissioner
Date:	9-30-19