

# 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>	Donna E. Grant Deputy Secretary of State	<b>Office/Division/Program of Contract Administrator:</b>	Secretary of State Office of Information Services
<b>Est. Contract Amount:</b>	\$37,059	<b>Contract or RQS Number:</b>	29B2019092000000000356
<b>Proposed Start Date:</b>	November 1, 2019	<b>Proposed End Date:</b>	November 30, 2022
<b>Vendor/Provider Name, City, State</b>	Workgroups Technology Partners 207 Larrabee Road Westbrook, ME 04092		
<b>Short Description of Good or Service:</b>	Storage Shelf 12G, 24X 1, 1.8 TB; Equipment, Maintenance, Licenses Fees and Installation		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>10/05/19</u> To: <u>10/11/19</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1020191663	
<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;		
	<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> <b>Signature:</b>	
		<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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-		

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competitive procurement, please provide that reference here:

**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 Office of Information Services within the Department of the Secretary of State operates an information technology Data Center that is crucial to the operation of the Maine Bureau of Motor Vehicles, the Bureau of Corporations and Elections and the Maine State Archives. Disk storage shelves are an integral part of the Data Center configuration as they provide storage space within each of Information Services' NetApp clusters. A disk shelf within the primary storage cluster of the Bureau of Motor Vehicles has reached end-of-life and must be replaced. It is important to replace hardware such as this storage shelf before a malfunction occurs. Such a malfunction could impair or stop the business of the Bureau of Motor Vehicles.

## 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 required disk shelf can only be purchased from a reseller and Workgroups Technology Partners won a competitive bid to provide, install and maintain the current NetApp storage configuration which the Office of Information Services is using. Workgroups Technology Partners is familiar with the needs and configuration of the Office of Information's storage infrastructure which will make the purchase and installation of this disk shelf more efficient and cost effective.

## 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 the new disk shelf is fair and reasonable. If the Office of Information Services were required to begin again with a different vendor, the cost of bringing the new vendor up to speed on Information Services' configuration would be much higher than allowing Workgroup Technology Partners to provide the replacement storage shelf hardware, software and support.

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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.

When the Office of Information Services went out to bid initially for the storage controllers and disk shelves, no other Vendor could satisfactorily meet the needs of Information Services with respect to price and maintenance support.

**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.

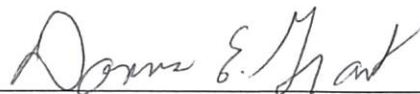
The on-going maintenance and support Information Services Data Center's storage configuration which includes database servers, storage controllers and disk shelves; is dependent upon specific technology and specially trained personnel. The Office of Information Services is fortunate that a firm; Workgroup Technology Partners, which is located in Maine, can provide this support. Personnel from Workgroup Technology Partners can reach the Office of Information Services in less than two hours to provide maintenance, support, repairs, and equipment. This support is available to the Office of Information Services 24 hours a day, 7 days a week, 365 days a year. An immediate response to problems with the Data Center's NetApp clusters is essential since the entire Data Center is dependent upon this equipment and software. Failure of this equipment and software jeopardizes meeting the needs of all users, including businesses and Maine citizens.

### 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:**

Donna E. Grant, Deputy Secretary of State

**Date:**

September 23, 2019