

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:	Susan T. Smith	Office/Division/Program of Contract Administrator:	DAFS/MRS
Est. Contract Amount:	\$ 343,200	Contract or RQS Number:	
Proposed Start Date:	12/1/2019	Proposed End Date:	11/30/2020
Vendor/Provider Name, City, State:	David Boyd & Associates, LLC 119 Witherow Rd. Sewickley, PA 15143		
Short Description of Good or Service:	Consulting services for tax system modernization project		
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>10/10/2019</u> To: <u>10/16/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191700		
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.			
<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>	<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>Signature:</p>	
		Printed Name:	Date:
<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		

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	State from only one source;
	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.
	If a different authorization specifically allows for this non-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.

MRS has published an RFP soliciting proposals to replace its outdated tax systems with a modern, integrated, "commercial-off-the-shelf" (COTS) tax administration system. This represents a significant investment to improve customer service, enhance security and compliance, and build resiliency for the future.

MRS requires a qualified and experienced consultant with proven success in the implementation of tax administration systems to assist in the preparation and negotiation of contracts and agreements with the selected vendor.

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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.

There are a limited number of consultants who have the expertise and experience in the implementation of tax administration systems. The identified vendor has provided tax system modernization consultation services to over 14 state government agencies, has worked with the potential tax system vendors, and assisted MRS in the drafting of the tax system modernization project RFP. This type of expertise and experience is not available within state government.

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 estimated contract amount is based on a rate of \$165/hour. This rate is commensurate with the requested level of experience and expertise.

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

This project represents a significant investment and commitment to provide innovative technology for effective tax administration and increased operational efficiency. Success is contingent upon engaging a consultant with proven success and experience in the preparation and negotiation of contracts and agreements with tax system vendors. The procurement process is not conducive to selecting a dedicated candidate with this type of experience.

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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 specific vendor has over 25 years of experience in large public sector engagements, has consulted on 14 revenue agency tax system projects and has worked with the potential vendors. The fact that he assisted in the drafting of MRS' tax system modernization RFP and performed the documentation and gathering of MRS' functional, technical and license requirements makes him uniquely qualified for this role.

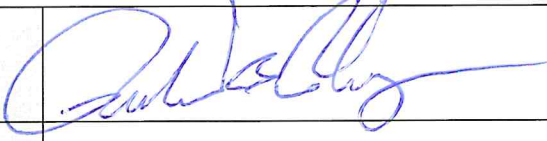
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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

By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.

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Commissioner or Chief Executive (or designee within the Commissioner's Office):	
Printed Name:	Richard B. Thompson
Date:	10/9/19