

**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>	Melody Piper	<b>Office/Division/Program of Contract Administrator:</b>	ME Human Rights Commission
<b>Est. Contract Amount:</b>	\$ 10,000	<b>Contract or RQS Number:</b>	CT 94H 20191007*1230
<b>Proposed Start Date:</b>	10/14/19	<b>Proposed End Date:</b>	4/30/20
<b>Vendor/Provider Name, City, State:</b>	Light House Designs & Consulting Inc., Albany, New York		
<b>Short Description of Good or Service:</b>	CRM Design and Implementation		
<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><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>10/17/2019</u> To: <u>10/23/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1020191741		
<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.			
	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>		
	<b>Signature:</b>	<b>Printed Name:</b>	<b>Date:</b>
	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;		
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum		

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	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i></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;
<b>x</b>	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.

The MHRC requested and received an general fund appropriation of \$10,000 from the legislature in FY 2020 to implement a secure web portal that will provide a portal for parties to access and track their case information. After careful consideration of many factors (limited budget, web accessibility requirements, security, existing infrastructure, CRM platform stability, and product extensibility) the MHRC identified CiviCRM an open source platform to meet its needs. Additionally, MHRC identified an experienced CiviCRM vendor has been working the NY State Senate for the past 6 plus years (and other government entities on similar projects) as highly qualified and experienced, to build, test and deploy the foundation of the MHRC CRM Portal.

CiviCRM was developed by Lighthouse and has been used by NY Senate and other State Agencies to manage millions of constituent's complaint for at least 6 years. The Civi platform requires has no licensing fees, is built on Drupal 8, can be hosted on MHRC's existing FISMA compliant cloud for minimal cost, and is accessibility for low to no vision users as well as offers built in language support.

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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.

CiviCRM is open source, the State of Maine does not participate as a CiviCRM contributor, partner or sponsor in the development and implementation of the CiviCRM product and is not considered a subject matter expert. The State of NY is currently working with the Lighthouse Consulting & Design in this capacity. "Lighthouse" is a subject matter expert for implementation, customization, and working with CIVI product integrations, see <https://civicrm.org/partners-contributors>. Lighthouse Consulting & Design plays a key role the CiviCRM open source project. They have both demonstrated expertise and a commitment to sustaining CiviCRM.

**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 MHRC identified a zero license fee CRM that is accessible, flexible and can be developed within a small annual budget. There are no other license free alternatives available for 10,000 that meet minimum accessibility requirements. This is a service contract for design and implementation of a free platform. This is an extremely fair and reasonable use of state resources.

**5. Future Competition**

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

This is a highly specialized product that requires a specific expertise. The Commission does not anticipate this project requiring future competition given limited scope of the project and limited resources, however will consider other CiviCRM community partners for future competition if the need arises.

**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**

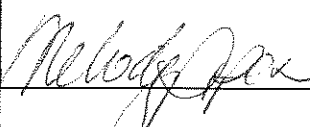
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

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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.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	
<b>Date:</b>	Melody Piper, Operations Director
	10/15/19