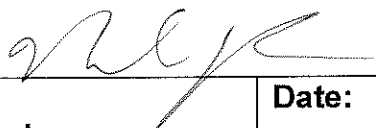


State of Maine Waiver of Competitive Bidding Request Form

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:	Lt. Scott Ireland Jaye Parker	Office/Division/Program of Contract Administrator:	Office of Public Safety – Maine State Police
Est. Contract Amount:	\$18,586.40	Contract or RQS Number:	RQS-16A-20191022-0488
Proposed Start Date:	10/26/2019	Proposed End Date:	12/25/2020
Vendor/Provider Name, City, State:		Open Text San Mateo, CA	
Short Description of Good or Service:		EnCase software maintenance support	
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> Posting dates on Division of <i>Procurement Services</i> website: From: <u>10/24/19</u> To: <u>10/30/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1020191766	
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 checked="" 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>	<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: Michael Sauschuck Date: 10-22-19	
<input 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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	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/qovcoop.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.

A. EnCase software is the primary forensic tool used by the Maine State Police Computer Crimes Unit (and the vast majority of computer forensic units throughout law enforcement). OpenText is the provider of this proprietary software. The annual Maintenance Support Renewal Program supports the software providing upgrades and operational support.

B. Without EnCase software (and the maintenance support), the Unit would be unable to extract critical data from the majority of computer components submitted for analyses by State, National and local law enforcement agencies.

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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.

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 cost is determined by the company providing this proprietary service. We quoted a 14 month time period to avoid conflicts with future invoice periods with grant renewal dates.

5. Future Competition

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

The Maine State Police Computer Crimes Unit routinely evaluates new forensic software tools in an ongoing effort to further our capabilities to extract critical data from the myriad of digital components (smart phones, tablets, game stations, cameras, etc.) that are in use and may be developed for future use (and unfortunately misuse) by consumers. The Unit has, on occasion, been used as a beta-test site for new forensic software. We do this to improve our work product and spur improvement within the computer forensic field.

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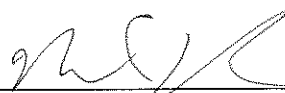
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

Due to the implementation of a special condition in the 19 ICAC grant (that was intended to pay for this service), our funding is frozen until the budget office releases the funds. We have been notified that if the support lapses (END OF THIS WEEK), the support access is suspended as well additional late fees are applied to the renewal cost. This operational support is critical to the ICAC division as this software is necessary because it is the primary forensic tool used by the Computer Crimes Unit and we do not have funding for the late fees.

**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:

10-22-19