

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.

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| Requesting Department's Contract Administrator: | Gail Senese | Office/Division/Program of Contract Administrator: | Department of Education—Adult Education |
| Est. Contract Amount: | \$ 17,000 | Contract or RQS Number: | CT20191001*1098 |
| Proposed Start Date: | 10/16/2019 | Proposed End Date: | 5/31/2020 |
| Vendor/Provider Name, City, State: | | Technical Education Research Centers, Inc. 2067 Massachusetts Avenue Cambridge, MA 02140 | |
| Short Description of Good or Service: | | Provide facilitation of two online courses and two face-to-face workshops focused on building teacher mathematics content knowledge and the integration of contextualized mathematics appropriate for adult English language learners. | |
| 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. | | To be completed by the Division of Procurement Services Posting dates on Division of <i>Procurement Services</i> website: From: <u>10/29/2019</u> To: <u>11/04/2019</u> | |
| Notice of Intent to Waive Competitive Bidding Number: | | NOI# 1020191795 | |
| 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; | | |
| | By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. Signature: | | |
| <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> | Printed Name: | Date: | |

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| X | 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 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: <ul style="list-style-type: none"> (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.

The Maine State Office of Adult Education has invested a significant amount of time and resources to building capacity in adult numeracy theory among adult education practitioners but has not focused on the implementation of mathematics for English language learners (ELL). In FY19, over half of adult education learners were ELLs. Under the Workforce Innovation and Opportunity Act, adult education providers must provide English language acquisition (ELA) instruction designed to help ELLs earn a secondary school diploma or its equivalent, transition to postsecondary education or training, or employment. Instruction should be research-based and contextualized. In the past, the state office has offered professional development to ESOL teachers to strengthen their teaching in English language acquisition but has not provided PD that helps ESOL teachers integrate numeracy into their ELA teaching. We are seeking a model of contextualized instruction that will deepen instructor content knowledge and includes the infusion of the College and Career Readiness Standards (CCRS) for Adult Education into relevant instruction for English language learners.

Additionally, Maine has adopted the College and Career Readiness Standards for Adult Education. All professional development retains the CCRS at the core of the development and delivery of professional growth opportunities sponsored by our office. TERC's ESOL mathematics trainings provides a consistency and adherence to this expectation.

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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.

TERC provides nationally recognized leaders in education research and curriculum development experts and holds the copyright and ownership rights to the ESOL numeracy professional development model. They are the only known provider with the ability to provide the customized professional development model that infuses the College and Career Readiness Standards for Adult Education and research-based methods to provide contextualized numeracy instruction to adult English language learners. A partnership with TERC allows us to ensure educators have the right tools and information needed to help adult English language learners succeed.

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**.

TERC is the only known provider of the ESOL numeracy professional development model that infuses the College and Career Readiness Standards for Adult Education and research-based English language acquisition instructional methods to provide contextualized numeracy instruction to adult ELLs. When compared with other adult education professional development providers that have been recently utilized by the Maine Adult Education Office, TERC rates are comparable in price. TERC has provided mathematics professional development for the state office in the past, and these rates are comparable for similar services. Other providers used in comparison include World Education/IDEAL, Sequoyah Literacy Foundation, and Literacy Assistance Center

5. Future Competition

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

At this time there are very few options for finding experts and facilitators to do this work. TERC provides nationally recognized leaders in education research and curriculum development experts and holds the copyright and ownership rights to the ESOL numeracy professional development model. Once we've established this foundation, should we need additional support to implement this work, we would expect to go to an RFP process as the field of experts will have grown as the work advances and best practices revealed.

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.

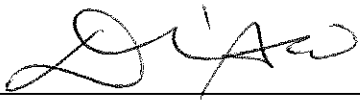
TERC, as an independent, research-based organization, lends credibility, organization of implementation, access to high quality resources and expert level trainers to support the work of our practitioners as they experience this training. TERC works at the frontiers of theory and practice to contribute to a deeper understanding of learning and teaching and enhance instruction through teacher professional development. TERC's portfolio of offerings cover a range of topics including math content, teaching strategies, research on adult numeracy learning, the College and Career Readiness Standards for Adult Education in Mathematics and research based instructional design principles.

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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.

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| 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> |
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| | Daniela A. Chubta |
| Printed Name: | |
| Date: | 22 Oct 2019 |