

# 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>	Maryalice Crofton	<b>Office/Division/Program of Contract Administrator:</b>	ME Commission for Community Service/DOE
<b>Est. Contract Amount:</b>	\$ 6561.60	<b>Contract or RQS Number:</b>	RQS 05A 2019100700000000437
<b>Proposed Start Date:</b>	09/01/2019	<b>Proposed End Date:</b>	08/31/2020
<b>Vendor/Provider Name, City, State</b>	OnCorps Reports, Inc. _Contact Name & Email: Dan Varley danvarley@oncorpsreports.com 5212 Girard Ave. S, Minneapolis, MN 55419		
<b>Short Description of Good or Service:</b>	Annual subscription fee for subgrantee management database		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<i>To be completed by the Division of Purchases</i> Posting dates on Division of Purchases' website: From: <u>11/01/19</u> To: <u>11/07/19</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1120191735	
<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>
<b>X</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 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 Purchases "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>		
	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:		

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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 Commission for Community Service awards and administers AmeriCorps and other National Service funding in Maine. It is responsible under federal and state statute for monitoring and reporting the fiscal, performance, and volunteer enrollment aspects of the grants funded. In all cases, the federal program is unusually detailed (through CFR, law, and policy) on compliance elements. Until 2009, the federal agency supported a web-based grants management platform used by states to accomplish tasks related to awards, monitoring, and reporting by state grantees. In 2009, the federal agency shut down the platform used by states saying it was not appropriate for it to hold that data. At that time, 27 state commissions banded together and negotiated to have a common web-based platform built that would replicate the functions of the former web tool, particularly as those functions related to allowing states to compile reports or do spot checks of compliance. Settanni + Company was the business selected and it continues to monitor federal updates and requirements, upgrading its system annually to keep it current. There is no other platform that does this across all areas of grantee operation. The platform was designed and built to meet audit standards particularly as it relates to electronic signatures on reports, leaving an audit trail for each record, and having a hierarchy of permissions that are matched to specific policies and functions. Data security and protection is also of the highest level with redundancy to protect operation in the event of Settanni server/equipment problems. Maine's OIT participated in the Commission's decision to be part of the coalition and OIT reviewed all the documentation related to the platform before signing off on Commission subscription. The maintenance and ongoing cost of the platform is cost shared among the 27 state commissions. The annual subscription is based on the number of National Service volunteers each state will enroll in the system. (Programs funded enroll National Service volunteers who report their activities and time in the system. This is by far the greatest burden on the system which is why it is the metric for setting the usage cost.)

Since 1998, the Commission has relied on a web-based platform to efficiently and effectively manage its grant programs. Doing so has kept errors to a minimum, provided instant documentation from grantees for performance modifications, decreased processing of fiscal reporting, and significantly streamlined compilation of data that must be reported to the federal agency. It has been examined in audits and reviews of Commission performance and passed muster every time. To return to a paper system would increase staffing as well as storage costs OR build a Maine-specific system would not be cost prohibitive.

## 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.

MCCS does not have the financial or design/coding resources to build a platform for grant management that would meet modern security, auditing, and reliability standards. The federal government determined it was not appropriate for it to hold data states were using to perform their duties. While this platform is owned by a private business, its sole customers are 27 state government service commissions who are cost-sharing the operation. The subscription is an allowable expense under the Commission federal operating funds which is the federal explanation for how they continue to support states.

## 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**.

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As noted above, the cost is based on the function in the system that creates the highest demand – enrollment, management, and reporting by National Service Volunteers (e.g., AmeriCorps members or VISTAs). Note, basing the price on this function does not mean it is the only function covered by the cost. It is merely the basis for the scalable pricing that ensures a relationship between grant portfolios and costs across the states. For the year covered by this contract, the annual cost per volunteer is \$16.80 plus an additional fee to archive past program data for audit purposes. Given the uniqueness of the system, we are not aware of any platform that could provide a cost comparison.

**5. Future Competition**

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

If this coalition or another set of states determines it is necessary to reconstruct and rebid development of this tool, Maine will certainly consider the opportunity and ensure Maine companies are made aware of the opportunity to bid on the work.

**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 OnCorps reporting system is unique to Settanni+Company. It was developed under the guidance of 27 state service commissions, all of whom have the same responsibilities for awarding National Service grants and then overseeing compliance as well as performance. It is designed to match the requirements for reporting in the applicable Code of Federal Regulations as well as federal law for National Service and federal agency policies. It is constructed so it has a hierarchy of permissions that allows vertical integration of reports from National Service volunteers to their program staff and the program staff to the Commission. It meets requirements for audit trails, electronic signatures, and has functions that allow for downloading data, customizing reports to incorporate state government requirements, and electronic storage of records for expired grants. The vendor continues to work solely with administrators of National Service funds awarded by the Corporation for National and Community Service.

**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.*



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<b>Printed Name:</b>	Maryalice Crofton
<b>Date:</b>	10-07-2019