

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:	Ann Salverson-Seales	Office/Division/Program of Contract Administrator:	DAFS/OIT/IBM Services
Est. Contract Amount:	\$35,986.00	Contract or RQS Number:	RQS 18B 20191015*470
Proposed Start Date:	2/8/2020	Proposed End Date:	2/7/2021
Vendor/Provider Name, City, State:	UNICOM UNICOM Plaza, Suite 310 15535 San Fernando Mission Blvd. Mission Hills, CA 91345		
Short Description of Good or Service:	SSA-Base & SSR System Maintenance		
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> <p style="text-align: center;">Posting dates on Division of Procurement Services website:</p> <p style="text-align: center;">From: <u>11/01/19</u> To: <u>11/07/19</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1120191822		
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"/>	<input type="checkbox"/>	<p style="text-align: center;"><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>	
<input type="checkbox"/>	<input type="checkbox"/>		
<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 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: <ol 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; <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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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;
	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 SSA (Smart Security Administrator) software is a tool that assists the IBM Mainframe System software staff in maintaining and auditing the IBM Mainframe security component, RACF (Resource Access Control Facility).

The SSR (Smart Security Reporter) software provides a menu driven interface to create summary and detail reports pertaining to the IBM Mainframe security package RACF. Based on the audit options for a resource, the reports can show successful and unsuccessful accesses to a resource.

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.

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The SSA and SSR software are proprietary software of UNICOM Systems ("UNICOM") of Mission Hills, California, UNICOM is the owner and developer of the software and the source for all maintenance services.

The State of Maine does not have access to source code to maintain the product. State of Maine staff, or other governmental entities cannot access and maintain the off-the-shelf software product.

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**.

Software vendors have historically increased software maintenance costs anywhere from 3% to 20% annually. For this renewal period, the cost increase of 4.35% is below historic increases. This is a software and maintenance agreement only. Not additional licenses or purchases will occur.

This is the most economical, effective and appropriate means of fulfilling the need to maintain the IBM Mainframe security package RACF. Adoptions of other software would likely cost 4 to 5 times the annual maintenance fee.

A software reseller could be used but the cost would increase \$1,000. Direct purchase is more economical.

5. Future Competition

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

The State of Maine Office of the State Controller is actively working on migrating the current HR/Payroll application to a vendor cloud hosted solution. When this move is completed, anticipated to be sometime in the year 2020, this licensed software product will no longer be needed.

If it is determined this product no longer meets the needs of the State of Maine and a replacement product is necessary, procurement will be via the competitive bid process prescribed by State of Maine statute and the policies, procedures and guidelines established by the State of Maine Division of Procurement Services.

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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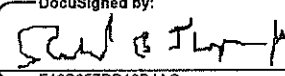
The SSA and SSR software are proprietary software of UNICOM Systems ("UNICOM") of Mission Hills, California. UNICOM is the owner, developer of this software and the sole source for all related maintenance services. This product provides additional functionality supporting the Resource Access Control Facility (RACF) system component used to control authorized access to system resources.

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.

DocuSigned by:

 F10B257DB19B4AC...

Printed Name:

Richard B. Thompson

Date:

10/28/2019

Frederick Brittain

10/28/2019

DocuSigned by:



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