

## 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>	Lt. Jackie Theriault Amy Gower	<b>Office/Division/Program of Contract Administrator:</b>	Office of Public Safety – Maine State Police
<b>Est. Contract Amount:</b>	\$ 38, 625.00	<b>Contract or RQS Number:</b>	RQS-16A- 20191112*0613
<b>Proposed Start Date:</b>	12/1/2019	<b>Proposed End Date:</b>	11/30/2020
<b>Vendor/Provider Name, City, State:</b>		Peak Performance Tallahassee FL	
<b>Short Description of Good or Service:</b>		nexTEST Support; CJIS Audit Annual Support; CJIS Online Security Training & Testing Service	
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;"><b>To be completed by the Division of Procurement Services</b></p> Posting dates on Division of <b>Procurement Services</b> website: From: <u>11/21/19</u> To: <u>11/27/19</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1120191915	
<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.			
<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"/>	<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>	
<input type="checkbox"/>		<b>Printed Name:</b>	<b>Date:</b>
<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: (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:  <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:

**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.

NextTest Support: The nextTEST software is a web-based application for operator Certification and Re-certification testing. This is necessary in order to fully functionalize the CJIS online training and testing service. This is key to the Maine State Police being able to track and keep current on training requirements.

CJIS Audit Annual Support: This is an automated CJIS Audit system that utilizes technology to reduce travel time and paperwork and can be used in conjunction with or to replace onsite audits.

CJISS Online Security Training & Testing Service: On line training course that covers the CJIS Security Policy at all 4 Training levels. Links with software used to track this system and sends notification when retraining is needed keeping us in compliance with CJIS rules.

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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**.

There is a modest increase of \$1,125 in cost over last year.

**5. Future Competition**

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

We will continue to look for other entities that offer this same service.

**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.**

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**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.

This system is unique because it is the only solution to have an interface to the CPI OpenFox message switch user repository. This keeps all user data in sync and all certification dates current. It is also the only solution that automatically sends email reminders concerning upcoming certification expirations. The system is designed specifically for criminal justice agencies to perform NCIC certification and re-certification testing.

This is the only automated Audit system for CJIS audits. Once the data is in in the system it will allow an administrator to send notices to the agency to trigger them to perform the required audit. The audit can be done (answers entered and then submitted) online using a regular PC (no special equipment needed). The software will identify any out of compliant responses and send this information back to the Maine State Police. The State then works electronically with the agency to bring them into compliance. All interaction is stored in the database. Reports are also available on the system and provide the state with notifications when audit are due.

Although there are other online CJIS Online Security Training, this is the only one that can link with another system to also test the users online. This system is also unique in that you can use the standard online training or create your own. This tracks all vendors and IT personnel requirements and sends notifications when retraining is due. This is critical to insuring that we are CJIS compliant. This system is automatically updated to reflect annual changes to CJIS Security Policy, so the end user is always being trained using the most current CJIS requirements.

**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.*



**Printed Name:**

Michael J. Sauschuck, Commissioner

**Date:**

11-13-19