

## 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>DHHS/DCM Contract Administrator:</b>	Jennifer Levesque	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OFI/DSER
<b>Est. Contract Amount:</b>	\$771,376.00	<b>Contract or RQS Number:</b>	CT 10A 20141121*1863
		<b>DHHS Agreement Number:</b>	OIT-15-105E
<b>Proposed Start Date:</b>	11/30/2019	<b>Proposed End Date:</b>	11/30/2021
<b>Vendor/Provider Name, City, State:</b>	Informatix, Inc. Sacramento, CA		
<b>Short Description of Good or Service:</b>	Child Support Payment Processing system (RAPID)		
<b>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.</b>	<p style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <i>Procurement Services</i> website:          From: <u>12/2/2019</u>      To: <u>12/9/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1220191947		
<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>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p><b>Signature:</b></p>	
<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: <ul style="list-style-type: none"> <li>(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;</li> <li>(2) A sharing of project responsibilities and, when appropriate, costs;</li> </ul> <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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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 Department's Division of Support Enforcement & Recovery (DSER) provides child support services pursuant to Title IV-D, 42 U.S.C. 651. Within that mandate, DSER via the State Disbursement Unit (SDU), must process all child support payments on the day that they are received to insure disbursement within 2 business days (45 CFR Sec. 302.32).

In 2014, through the competitive bid process, DSER contracted with the Provider to use their automated payment processing system (RAPID) to receipt the 100 million dollars that is received annually in child support payments. The RAPID technology allows the SDU to meet the federally mandated time line for processing those payments and has allowed the SDU to decrease its staffing count in the process by dramatically reducing the amount of manual intervention required to process payments.

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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.

Sufficient staffing, resources, or expertise is not available within the State of Maine's government.

**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 Provider has agreed to continue providing DSER their RAPID technology for \$385,688.00 per year which will include 2 new OPEX Falcon REDs machines (scanning equipment) to replace the original aging equipment. This represents just a 10% increase in cost from the current price which did not include new equipment. The Department considers these costs to be fair and reasonable.

The initial implementation costs to stand up the RAPID solution when the contract first began were \$383,000.00, which consisted of conversion analysis, development, testing, installation, and training. Extending the current contract to continue the use of the RAPID payment processing system will eliminate additional implementation costs for a new solution.

**5. Future Competition**

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

The Department is exploring the potential to enter into a multi-state procurement for child support payment processing system with New Hampshire and Vermont. Time is needed to further study the possibility of a multi-state procurement with other states. The Department has this service on the RFP schedule, F2019068, pending discovery and may RFP these services for a 12/1/2021 contract start date.

**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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RAPID is a proprietary payment processing solution offered only by the Provider and it has been customized to work seamlessly with the Department's child support automated system. The Provider provides the equipment to be housed on state property, hosted by OIT and operated by State staff. This is unique to most SDU vendors. This request to amend the contract for the continued use of RAPID will insure that DSER remains in compliance with the federal regulations pertaining to the receipting of child support payments. Noncompliance with these regulations would put at risk Maine's receipt of approximately 20 million dollars in federal funding annually for the child support program.

**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.


N/A

**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:**

**Date:**

  
Jon Corbett  
21-Nov-19