

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:	Leigh Hallett	Office/Division/Program of Contract Administrator:	Bureau of Agriculture, Food & Rural Resources, Agricultural Resource Development				
Est. Contract Amount:	\$12,295.00	Contract or RQS Number:	20180515*3567				
Proposed Start Date:	06/01/2018	Proposed End Date:	05/31/2020				
Vendor/Provider Name, City, State:		Marshall Communications Augusta, Maine					
Short Description of Good or Service:		Set up and subscription fees for web-based member management database (formerly known as "Get Real Get Maine" that will form the backbone of the new website.					
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> Posting dates on Division of Procurement Services website: From: <u>12/11/2019</u> To: <u>12/17/2019</u>					
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192014					
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 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						
<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> Signature: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Printed Name:</td> <td style="border: none;">Date:</td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		Printed Name:	Date:		
Printed Name:	Date:						

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	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 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.	
<p>The above contract is being amended to cover charges to work with a new sub-contractor through the Provider. As this project progressed, and DACF staff and NMC conducted research, it became clear that the best way to manage the database we need is through a separate system, not through the basic website as originally planned. (The Department has been running its database through the current website, a practice which has not been successful.) Maintaining a data management system will enable us to create a more user-friendly system for consumers and producers, will result in a more stable system (since it is devised for data management only, not as part of a customized website), will limit security risks for the new website (since users updating member data will log into the member management platform, not into the website itself), and will provide enhanced customer service (since the member management company has extended tech support hours).</p>	

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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.

NA-This amendment is part of an awarded RFP #201802012

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 costs for the new member management database company, including set up fees plus an 18-month subscription is \$12,295.00. As stated in #6 Uniqueness, DACF and NMC conducted extensive research and feel the rates are fair and reasonable for the increased SOW.

5. Future Competition

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

As part of the original, multi-year RFP, the *get real. get Maine!* logo and brand is being revamped, along with the membership database for the www.getrealmaine.com website. Once the member database is developed, it will be possible to export it to other platforms if the need should arise.

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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.

Marshall Communications is designing and implementing a long-term marketing campaign for ARD's "get real. get Maine!" initiative. This includes revamping the getrealmaine.com website along with the database for the members of that program. DACF staff and Marshall Communications staff reviewed all the member management platforms available, including reviewing member data available on websites of other organizations using them. We conducted extensive reviews of the literature and training materials, and had introductory calls with 3 other companies. MemberClicks was the only company that could provide the customized member management we need for an agricultural resource database and also provide API key access and support for the website development.

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.*

A. Carlton
Aimee Carlton

Printed Name:

Date:

11/27/19