

## 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>	Vanessa J. Sullivan	<b>Office/Division/Program of Contract Administrator:</b>	DPFR/ Bureau of Insurance
<b>Est. Contract Amount:</b>	Amendment \$70,000 <b>\$340,000 Total</b>	<b>Contract or RQS Number:</b>	20190114 2096
<b>Proposed Start Date:</b>	03/01/2019	<b>Proposed End Date:</b>	02/28/2021
<b>Vendor/Provider Name, City, State:</b>	Lewis & Ellis, Inc. 11225 College Blvd., Suite 320 Overland Park, KS 66210		
<b>Short Description of Good or Service:</b>	Actuarial Services		
<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 <b>Procurement Services</b> website:          From: <u>12/13/2019</u> To: <u>12/19/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1220192042		
<p><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.</p>			
	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;		
<b>X</b>	<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> <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Anne L. Head</div>	
	<b>Anne L. Head</b>	<b>Date: 12/11/2019</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;		

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	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <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:</i>  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.

Contract 20151123 1888, dated 11/24/2015, terminated on 06/30/2019. This contract, number 20190114 2096, allows for the Provider to fulfill required actuarial support services in conjunction with the financial examination of Unum Life Insurance Company of America and certain subsidiaries ("ULA") in conformance with NAIC prescribed practices.

Presently, the Provider is engaged on two examinations. Of the two examinations, ULA requires significantly more work than anticipated, as such this amendment seeks to add \$70K. The Bureau of Insurance intends to continue assigning actuarial review work to the Provider throughout the duration of the contract.

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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.

None known.

**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**.

This Provider won RFP 201507127. RFP 201507127 PART V (B.) Section III. Cost Proposal was worth 40 points out of 100. Clearly, the rates proposed by the provider, unchanged from those proposed in RFP 201507127, were among the lowest of the bidders.

The MBOI has worked with actuarial firms that charge in excess of \$600.00 per hour. The \$350.00 hourly rate is reasonable.

**5. Future Competition**

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

An RFP will be submitted at the expiration of the actuarial support work related to the financial examination of Unum Life Insurance Company of America.

**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.

The Provider is not unique; however, the Provider presents several attributes for consideration.

- 1) The Provider has been engaged by three of the states participating in the coordinated examination of ULA.
- 2) The Provider has delivered several high-quality actuarial reviews in support of MBOI financial examinations.
- 3) The Provider has delivered several high-quality analyses under contract 20151123 1888.

To sum the MBOI considers the Provider to be effective, reliable, and timely.

**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.

Immediate. The Unum Life Insurance Company of America financial examination has commenced.

**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.*

**SIGNATURE:**



**Printed Name:**

Anne L. Head

**Date:**

12/ 11 /2019