

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:	Janette Kirk	Office/Division/Program of Contract Administrator:	DOE/ESEA/Title I Data
Est. Contract Amount:	\$68,000.00	Contract or RQS Number:	20180723*230
Proposed Start Date:	01/01/20	Proposed End Date:	12/31/20
Vendor/Provider Name, City, State	National Center for the Improvement of Educational Assessment, Dover, NH		
Short Description of Good or Service:	Building and Quality assurance testing of Maine's ESSA school accountability system, specifically Tier II identifications and possible changes to the ELP indicator.		
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.		To be completed by the Division of Procurement Services Posting dates on Division of <i>Procurement Services</i> website: From: _____ To: _____	
Notice of Intent to Waive Competitive Bidding Number:		NOI#	
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.			
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;		
	<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:	
		Printed Name:	Date:
X	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;		
	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.		

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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.

This non-competitive contract addresses a critical need for the Maine Department of Education. The National Center for the Improvement of Educational Assessment has been integral in the development of the Department's ESSA accountability system. In particular, Leslie Keng has assisted the Department in developing the accountability system modeling tool. Before the ESSA accountability system can be fully implemented, it is necessary for the Department to go through a quality assurance (QA) process in order to validate the reliability and accuracy of the system. Given Leslie Keng's experience and knowledge of Maine's system and data, he is the only service provider suited to this work.

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.

In order to properly do quality assurance testing, we cannot have our own people checking the results with the system that they developed. An independent contractor who has built our system in a separate coding language will provide us with the quality assurance that allows us to ensure that our internally built system is functioning properly.

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 rates proposed in the Scope of Work are comparable to the rates of other psychometricians.

5. Future Competition

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

Given the one-time nature of establishing the school accountability system, it is unlikely that similar work would be open to competition in the future.

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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.

Maine's school accountability system is being completely rolled out for the 2020-21 school year and before that can happen the Tier II identification process needs to be built and a thorough quality assurance needs to take place to ensure the reliability and accuracy of the data and system that will be used to identify schools for supports as well as feed data to the report cards that will be put out next December. There are many moving parts to the school accountability system that need to be reviewed with the current data we have in order to have confidence in the system when the new data comes in by the first week in October. The contract timeframe is set through the end of next year to help support Maine DOE as we implement the new data into the system and roll out identifications. If the identifications are not made by December 31, 2020 we will be in violation of ESSA.

The National Center for the Improvement of Educational Assessment, Inc. (The Center for Assessment, or The Center) provided support to Maine DOE in the design and implementation of its new school accountability system. As part of the empirical modeling that the Center performed for Maine DOE, we computed the measures and indicators in the new accountability system and simulated Maine's tiered model for identifying schools for support and improvement using data from the 2016 through 2019 assessments. The Center also drafted accountability implementation specifications, which detail the data files and business rules needed to operationalize Maine's accountability system.

Given the work the Provider has already done, they are the only ones with the unique experience and knowledge of Maine's system and data to do the needed work in the validation of the Department's accountability system implementation.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	<i>Elaine Bobb</i>
Date:	<i>12/20/18</i>