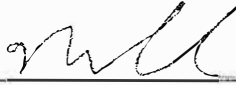


State of Maine Waiver of Competitive Bidding Request Form

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:	Lt David Tripp	Office/Division/Program of Contract Administrator:	Division of Public Safety – Maine State Police
Est. Contract Amount:	\$ 44,010	Contract or RQS Number:	CT-16A-20191209*1819
Proposed Start Date:	1/1/2020	Proposed End Date:	12/31/2021
Vendor/Provider Name, City, State:		JPMA – Staff Development Solutions LLC Augusta ME	
Short Description of Good or Service:		Subscription to the JPMA Online Training Center modules for Maine law enforcement and vendor creation of new modules, along with updates to existing.	
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: <u>12/23/2019</u> To: <u>12/30/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192094	
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.			
x	<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;</p> <p>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;</p>		
<p><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>		<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>Signature: </p>	
		Printed Name: Michael Sauschuck	Date: 12-12-19

State of Maine Waiver of Competitive Bidding Request Form

	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.
	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.

In Maine, the Maine Criminal Justice Academy (MCJA) trains all state, county and municipal law enforcement officers in a consolidated Basic Law Enforcement Training Program and all annual mandatory training must be completed on MCJA approved lesson plans. All but 3 of the 134 Maine law enforcement agencies in Maine use JPMA's online courses for their annual mandatory training. The only 3 Law Enforcement Agencies that do not use JPMA do use the MCJA lessons plans and teach the topics in the traditional classroom setting. All officers in Maine should have the same training for consistency purposes, as Maine is a very rural State and officers from various agencies work side-by-side. Therefore, as the state agency responsible for oversight of law enforcement training, the Department strongly supports the current system of one vendor working with the Academy to provide online training of approved course content.

State of Maine Waiver of Competitive Bidding Request Form

JPMA's library of Maine-specific courses has been developed based on the lesson plans written by the MCJA staff and Subject Matter Expert's (SME's). This began in 2004/2005 when MCJA went out to RFP for an online training company to start this annual mandatory training. After following the State of Maine RFP process, JPMA was awarded the contract. These on-line training classes began in 2005 and each year, new lesson plans are added for the mandatory topics, as determined by the MCJA Board of Trustees and the Maine State Legislature. The lesson plans are reviewed by the Office of the Attorney General and again by the SME's for legal and content accuracy and then receive a final approval from the MCJA Board of Trustees prior to being turned over to JPMA to be converted into the online format. Once the online format has been completed by JPMA, the MCJA staff reviews the video format to make sure that the video training program matches the content in the written lesson plan.

The online courses contain many video presentations that are created with members of the Maine State Police. The library currently has 179+ such courses, which represent countless hours of staff time for MCJA, the Office of the Attorney General and the Maine State Police. These are typically scenario-based and depict roadside enforcement, interviews, etc. in various settings. To replicate this library with another vendor is cost prohibitive – the amount of staff time contributed over the past 12 years could not be repeated in the reduced timeframe that would be required to rebuild the library necessary for Maine law enforcement officers to complete annual training requirements. The State Police do not have the resources to essentially repeat the creation of these videos. A new vendor would have to provide the "actors" required to replicate the courses at their own cost.

Another concern created by building a new library with a new vendor is one of need for retraining in past topic areas. Many times, an officer would be required review or retake an older training topic if retraining was part of a disciplinary action or if a person has been away due to military deployments, medical leave, etc.

JPMA retains records, by officer, of all completed courses. This is an invaluable resource and a great back-up for a law enforcement agency's training records. Changing vendors would require law enforcement agencies to retain some type of relationship with JPMA in order to have access to the historical training records, which if JPMA allowed this, would be a cost in addition to the contract with a new vendor.

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.

As stated in Section 2, the online courses contain many video presentations that are created with members of the Maine State Police. The library currently has 179+ such courses, which represent countless hours of staff time for MCJA, the Office of the Attorney General and the Maine State Police. These are typically scenario-based and depict roadside enforcement, interviews, etc. in various settings. To replicate this library with another vendor is cost prohibitive – the amount of staff time contributed over the past 12 years could not be repeated in the reduced timeframe that would be required to rebuild the library necessary for Maine law enforcement officers to complete annual training requirements. The State Police do not have the resources to essentially repeat the creation of these videos. A new vendor would have to provide the "actors" required to replicate the courses at

**State of Maine
Waiver of Competitive Bidding Request Form**

their own cost.

3. 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 current proposed cost is \$75 per member (326 members) per year, or approximately \$24,450 per year for the Maine State Police. Compared to other training options, \$75 per year per officer is very reasonable. Note: \$75 per member is the standard charge for JPMA.

However, largely due to the size of our organization, we were able to negotiate the following terms:

2020 Costs: \$65 per member per year, or approximately \$21,190 per year for the Maine State Police.

2021 Costs: \$70 per member per year, or approximately \$22,820 per year for the Maine State Police.

At no additional cost, JPMA posts all State Police policies to the training site and updates them on a regular basis. This provides Troopers with the ability to review and sign off on policies electronically versus attending face to face meetings which involve significant travel and fuel costs.

4. Future Competition

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

In the event that JPMA no longer participates in this partnership or they are unable to meet the requirements, the Criminal Justice Academy would seek a new vendor (and an exit plan from JPMA.)

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.

**State of Maine
Waiver of Competitive Bidding Request Form**

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.

Services must be unbroken. All current services need to be fully deliverable on January 1st, 2020 for members of the Maine State Police to immediately access and train.

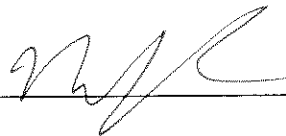
Members will be returning from military deployments and/or medical leaves and must have immediate access to the same services/goods as all other members have had in order to meet the requirements set forth by the MCJA Board of Trustees.

This vendor is the only vendor that can meet this time sensitive procurement. This is due to the vendor already having the MCJA mandatory training completed and fully available to all members of the Maine State Police.

Note: It was not intentional to wait until now to do this contractual process. We were reminded of the need for a new contract when JPMA President Rachel Frost sent the year end invoice and a reminder of the contract expiration.

**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 Sauschuck

Date:

12-12-19