

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:	Beth Lambert	Office/Division/Program of Contract Administrator:	Department of Education
Est. Contract Amount:	\$ 50,000.00	Contract or RQS Number:	20190912*850
Proposed Start Date:	10/01/2019	Proposed End Date:	09/30/2020
Vendor/Provider Name, City, State:	Little Kids Rock, 271 Grove Ave. Bldg. E-2, Verona, NJ 07044		
Short Description of Good or Service:	Provide professional development and instruments for 20 Maine school districts.		
<p>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>		<p>To be completed by the Division of Procurement Services Posting dates on Division of <i>Procurement Services</i> website: From: <u>12/23/2019</u> To: <u>12/29/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1220192109		
<p>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.</p>			
<input type="checkbox"/>	<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>		
<input type="checkbox"/>	<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:	Date:
<input checked="" type="checkbox"/>	<p>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</p>		

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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) <u>all</u> 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>National non-profit, Little Kids Rock, has partnered with the Maine Department of Education to create Maine Kids Rock, an initiative to enhance music education in the State of Maine. As part of this program, they will provide a year of professional development to all Maine music educators, including Maine's pre-service music educators and those already engaged in the program. Additionally, they will provide 20 Maine schools with classroom sets of instruments, cover all costs associated with the initiative's annual public concerts featuring participating schools, and design and implement a complete program evaluation that will result in a summative report on the initiative's progress.</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.

The Department of Education, and other related agencies, do not have the capacity to coordinate, prepare, and deliver professional development for all music educators in the state. Additionally, we do not have the ability to purchase 20 sets of classroom instruments for this rate. The production of annual public concerts and the full program evaluation would also be beyond our current capacity.

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 Department has determined that the cost of these services is fair and reasonable. 20 sets of instruments would far surpass the cost of this contract and the state is also receiving a year's worth of professional development to support the use of the instruments and to build the capacity of some teachers as coaches in the program. Additionally, the costs of two large-scale, culminating concerts are fully covered, as is the design and implementation of a professional program evaluation that will, ultimately, provide useful data to future guide the Maine Kids Rock initiative.

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 not aware of any other providers that can provide this professional development and instruments at this cost. The Department will continue to seek additional providers and prepare future RFP's as appropriate.

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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

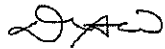
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

This vendor has been working with Maine music educators for the past three years and has provided professional development trainings. Continuing with the same vendor saves significant time and cost. Additionally, only this vendor is willing and able to provide 20 sets of instruments for such a low cost, fully cover the expense and organization of the final performances, and design and implement a full-scale program evaluation.

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.

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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:	Daniel A. Chuhta
Date:	9/10/2019

Certificate Of Completion

Envelope Id: B8B4CE13480C4A09AAB29C2A8DB342D9	Status: Completed
Subject: Please DocuSign This Document	
Source Envelope:	
Document Pages: 5	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Enabled	Envelope Originator: Daniel A. Chuhta Daniel.Chuhta@maine.gov
Envelopeld Stamping: Disabled	IP Address: 162.248.184.11
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	


Record Tracking

Status: Original 9/10/2019 2:01:12 PM	Holder: Daniel A. Chuhta Daniel.Chuhta@maine.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Carahsoft OBO Maine Department of Education	Location: DocuSign

Signer Events

Daniel A. Chuhta
Daniel.Chuhta@maine.gov
Deputy Commissioner
Maine Department of Education
Security Level: Email, Account Authentication (None)

Signature



Signature Adoption: Uploaded Signature Image
Using IP Address: 198.182.163.110

Timestamp

Sent: 9/10/2019 2:01:14 PM
Viewed: 9/10/2019 2:01:30 PM
Signed: 9/10/2019 2:02:22 PM
Freeform Signing

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/10/2019 2:01:14 PM
Certified Delivered	Security Checked	9/10/2019 2:01:30 PM
Signing Complete	Security Checked	9/10/2019 2:02:22 PM
Completed	Security Checked	9/10/2019 2:02:22 PM
Payment Events	Status	Timestamps