

MAINE STATE LEGISLATURE

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CONNECTMAINE

ConnectMaine Authority Members: Nick Battista, Jasmine Bishop, Fred Britain, Susan Corbett, Heather Johnson, Jeff Letourneau, Liz Wyman

January 4, 2022

Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, ME 04333

Honorable Ryan Fecteau
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear President Jackson and Speaker Fecteau:

Please find attached the required report pursuant to 5 M.R.S.A §12023 from the ConnectMaine Authority.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Schaffer".

Peggy Schaffer
Executive Director



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By February 1, 2014, and annually thereafter, a governing body shall submit a report to the Legislature containing the following information:

The ConnectMaine Authority fiscal year is July 1 through June 30. The reporting period for this report is July 2020 through June 2021.

- A. A list of all procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under the policies adopted pursuant to section 12022, subsection 3, including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. The list must include the names of the vendors and costs associated with those procurements;
- Greater Portland Council of Governments. \$30,000 to support a statewide crowdsourced speed testing program.
 - SOLIX, Inc. \$42,000 to manage ConnectMaine funds and to collect ConnectMaine assessment as provided by statute.
 - Consensus Building Institute, \$13,030 to facilitate a public stakeholder process on ConnectMaine infrastructure grant process.
 - Consensus Building Institute \$20,000 to begin a public stakeholder process for development of the Maine Connectivity Authority.
 - Wipfli LLP, \$35,000 to conduct a Single Audit of all ConnectMaine funding sources and expenses.
- B. A list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each; and
- None
- C. A description of changes made in the preceding year to the written policies and procedures required by section 12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.
- The ConnectMaine Authority formalized its purchasing and contracting policy. Please attached document, adopted by the board in February 2021.

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Financial Policies & Procedures

Background

The ConnectMaine Authority is required to establish financial policies and procedures in accordance with M.R.S.A 5 §12022. If you have any questions concerning these guidelines, please contact the Executive Director.

I. Membership Dues & Subscription Payments

ConnectMaine may join organizations that broadly support the mission and purpose of the ConnectMaine Authority, including national advocacy organizations. Invoices that total over \$5,000 per organization per year must be approved by the ConnectMaine Authority Chair, or the Chair's designee if the Chair is unable to sign a contract. Dues and subscriptions should meet the following criteria:

- Services, resources, and/or other benefits that are provided directly relate to the ConnectMaine's /mission and purpose;
- Services offered are specialized and unavailable by other means;
- Dues and subscriptions are specific to the organizations and are set by the organizations; and
- Invoicing clearly indicates the period of time covered by the dues or subscriptions.

II. Gifts, Donations and Sponsorships

In accordance with M.R.S.A. 35-A §9205 & 9212, the ConnectMaine Authority has the power to:

- receive and accept from any source aid or contributions of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of ConnectMaine, including, gifts or grants from any department or agency of the United States or the State;
- accept gifts and contributions for the purpose of designing, constructing, reconstructing, renovating or acquiring a project;
- place money of gifts, federal funds or other types of income in a special account for the purpose for which it is provided; and
- invest the money, subject to any limitations imposed by the donor.

III. Travel

ConnectMaine follows the State of Maine policies outlined in the State Administrative & Accounting Manual. <https://www.maine.gov/osc/administration/saam>.

A. Meals

Per Diem meal rates are set every fiscal year by the General Services Administration agency of the United States Government. The rates are based on your destination state and city. If you would like to see the rates before you travel here is the website <https://www.gsa.gov/travel/plan-book/per-diem-rates>. Per Diem reimbursement will be paid upon your return. The breakdowns for individual meals are, breakfast is 20%, lunch is 24% and dinner is 51% of your per diem total. No receipts are required. You may also be reimbursed for meals if you travel to a night meeting. For night meetings, your reimbursement amount will be made based on your actual cost (not to exceed the per diem amount) and must be verified by a receipt.

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B. Transportation

Mileage reimbursement is based on travel from the point of the start of your trip and the point where your trip ends. These points may be your home residence, work location or a meeting location. The current mileage rate is set by the General Services Administration agency of the United States Government annually and will be reimbursed upon return with review of your route. Taxi, bus, train, ferry & tolls are reimbursable but require a receipt. Parking for meetings, airports and bus stations will be reimbursed with a receipt. If traveling out-of-state, please follow the DAFS preapproval process. If airfare is required, flights will be booked through the State of Maine travel management website. Exception can be made if flights are not available or if lower costs are available.

C. Lodging

ConnectMaine staff will be reimbursed for lodging expenses at actual costs up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality, unless it is approved by the Executive Director or Authorized by Subsection 10.30.20 in the SAAM manual.

IV. Internal Controls

In accordance with M.R.S.A. 35-A §9205, the ConnectMaine Authority has the power to:

- make and execute contracts and other instruments; and
- enter into such transactions as necessary or convenient for the exercise of ConnectMaine's powers and functions.

A. Contracts for Grants

Grants approved by vote of the ConnectMaine Authority for infrastructure or community planning shall be drafted by the Assistant Director. The contracts will identify specific services to be covered and include project milestones. Generally, there will be four even payments for infrastructure contracts: commencement at the beginning of the project, then two interim payments, and a final payment when the project is finished. All submissions for payment will include invoices that document detailed expenses for the project. Community planning grants will be in two payments: commencement when the planning process begins, and a final payment when the completion report is submitted to ConnectMaine.

B. Procurement Policy

The purpose of this Procurement Policy (the "Policy") is to:

- assure that supplies, products and services are procured efficiently, effectively and at favorable prices;
- assure that quality, experience and service are given strong consideration along with pricing;
- promote open and free competition in contracting;
- provide safeguards for maintaining a procurement system of quality and integrity; and
- assure that ConnectMaine purchasing actions are in full compliance with applicable Federal standards and regulations and State and local laws.

The Policy applies to the ConnectMaine Authority, its members and staff. Unless otherwise stated in the Policy, the Executive Director, or whomever the Director authorizes in writing, shall serve as the Procurement Officer to administer all of ConnectMaine's procurement transactions. ConnectMaine will maintain records sufficient to detail, including the rationale for the method of procurement, contractor or vendor selection or rejection, the basis for the contract or vendor price, and such

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other information as ConnectMaine determines appropriate, maintaining such records for a minimum of five years. The contract term will be utilized in determining the total purchase amount, and the Executive Director may authorize any non-budgeted purchases under \$10,000, or non-budgeted contracts that obligate ConnectMaine to an amount under \$10,000 annually. Amounts over \$10,000 must be signed by the ConnectMaine Authority Chair, or the Chair's designee if the Chair is unable to sign a contract. ConnectMaine may enter into State and local intergovernmental agreements for procurement or use of common goods and service.

When acquiring supplies, products or services, ConnectMaine will obtain quotes based upon size of purchase. ConnectMaine may obtain these price quotations by telephone, email, fax, internet, verbally, as long as the information is documented, or as otherwise allowed by State or local laws. Except as provided below, ConnectMaine will make the award to the vendor providing the lowest acceptable quotation meeting required specifications. ConnectMaine may make the award based on factors in addition to price so long as it justifies its action in writing. Examples of these factors include:

- The item is available only from a single source, based on a reasonable review of available sources;
- An emergency for the requirement does not permit a delay resulting from competitive solicitation; or
- After solicitation of a number of sources, ConnectMaine determines that there are no other vendors that meet its needs.

1. Procurement < \$10,000

For purchases below \$10,000, ConnectMaine may solicit one quotation if ConnectMaine considers the price received reasonable.

2. Procurement > \$10,000 < \$50,000

For purchases from \$10,000 to \$50,000, ConnectMaine must obtain quotations from three qualified sources.

3. Procurement > \$50,000

For purchases above \$50,000, ConnectMaine will use requests for responses (RFR), requests for information (RFI) or requests for proposals (RFP) to identify all the evaluation factors and their relative importance. For the purposes of the Policy, all will be referred to as an RFP. ConnectMaine will identify criteria for evaluating proposals received and selecting awardees. ConnectMaine will make awards to the responsible firm whose proposal is most advantageous to the applicable program, with price and other factors considered. ConnectMaine may reject any and all proposals or be allowed to negotiate price and services beyond the original submittal.

4. Waiver to Procurement Policy

The Procurement Officer may seek an exception (waiver) to the processes set forth above. For purchases from \$10,000 to \$50,000, a waiver may be granted by the ConnectMaine Authority Chair or the Chair's designee. For purchases above \$50,000, a waiver may be granted by a vote of the ConnectMaine Authority. In order to qualify for an exception (waiver), one of the following conditions must exist:

- item or service is available only from a single source;
 - benefits attained by Maine constituents or ConnectMaine could not be replicated by another source;
- or

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- a public urgency or emergency exists, and the urgency will not permit delay beyond the time needed to employ competitive procurement.

ConnectMaine, as a state-funded instrumentality, inasmuch as possible, will do conduct business with in-state firms. RFPs may be opened to out-of-state firms if Maine based firms are limited in capacity or inadequate in number to ensure that low-cost bids are available. “Presence” does not equal “headquartered in”; a firm that maintains business offices in Maine is considered to have presence, even if headquartered in another State or country.

RFPs should be distributed on a public, available to all basis. If the nature of certain needs is sufficiently narrow or specialized, that there is evidence to suggest that only a limited number of qualified vendors exist and a targeted, by-invitation is justified. In such cases, ConnectMaine will document the justification for a limited-scope solicitation, citing to include the cost justifications and the approach to be used to identify qualified vendors. This written justification should be able to withstand a challenge from a vendor not deemed to be qualified. RFPs that will be distributed to the public will be noticed on the Division of Purchasing page, sent out through ConnectMaine’s distribution list, and accessible on ConnectMaine’s website for the length of the proposal submission period. RFPs targeted to a limited number of vendors need not be advertised or put on the ConnectMaine’s website. The final decision from any review committee is public information.

The following documentation will be required for each purchase:

- Name and address of vendor(s) or contractor(s)
- Price, quantity, specifications of product or service, and quality of product(s)
- Criteria for Decision Making
- Reasons for Decision if for not using price as deciding factor in Competitive Proposals

The length of a contractual agreement to provide supplies, services or product generally should not exceed five years for services rendered. Prior to the end of the contract ConnectMaine should begin the process for replacing the contract according to the Policy.

The Executive Director will administer the Policy and will assure all ConnectMaine expenditures comply with the Policy. The ConnectMaine Authority will vote to approve the selection of ConnectMaine’s auditors. The Executive Director and Assistant Director will submit all required reports to the Maine State Legislature.

C. Cash Receipts & Disbursements

The Executive Director or Assistant Director shall review all invoices and reports submitted by vendors and will seek additional documentation as necessary. The Executive Director shall review and approve invoices. Payments under \$10,000 can be approved by the Executive Director and payments over \$10,000 are sent to the ConnectMaine Authority Chair or the Chair’s designee for approval. The Executive Director and Assistant Director shall review cashflow reports monthly to confirm accuracy.