

# 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>	Kelly Perkins	<b>Office/Division/Program of Contract Administrator:</b>	DEP/BRWM/Technical Services
<b>Est. Contract Amount:</b>	\$ 7,075,000	<b>Contract or RQS Number:</b>	See Attached Listing
<b>Proposed Start Date:</b>	1/1/2017	<b>Proposed End Date:</b>	12/31/2018
<b>Vendor/Provider Name, City, State</b>	See Attached Listing		
<b>Short Description of Good or Service:</b>	Laboratory Testing Services		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<i>To be completed by the Division of Purchases</i> Posting dates on Division of Purchases' website: From: 1/4/2017 To: 1/10/2017	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI#0120170009	
<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.			
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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>	
		<b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<input type="checkbox"/>	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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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 Purchases "GOVCOOP" form, found here: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		
<input checked="" type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Any willing and qualified provider.	

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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.

The State of Maine Department of Environmental Protection ("DEP"), through the various programs it administers, routinely requires laboratory analysis of environmental samples. In order to ensure both quality and cost controls, the DEP contracts with any willing provider who is certified, licensed or otherwise qualified to provide the laboratory analysis required and awards specific projects based on the lowest cost and availability.

For DEP purposes, qualifications will be based entirely on current Maine laboratory certifications (where applicable) or Maine DEP Asbestos Licensure. In the State of Maine, the Laboratory Certification Program certifies laboratories for the analysis of Drinking Water, Waste Water, Resource Conservation and Recovery Act aqueous, solid and chemical materials, Oil Program or Leaking Underground Storage Tanks ("LUST") Program samples (which includes Maine DRO/GRO and the MA EPH/VPH methods), Environmental Lead Program samples, and Air (including TO-15 and MA APH methods). A complete listing of methods/analytes available for certification and a copy of the Maine Comprehensive and Limited Environmental Laboratory Certification Rules may be obtained at:

<http://www.maine.gov/dhhs/mecdc/environmental-health/water/dwp-services/labcert/labcert.htm>.

Information regarding Maine DEP Asbestos Licensure may be obtained at:

<http://www.maine.gov/dep/waste/asbestos/index.html>

## 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 environmental laboratory testing services required by DEP are not available through staffing. Maine Certified Laboratories (if available) and/or Maine DEP Licensed Asbestos Laboratories are required.

## 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 cost provided for each laboratory is based on historical use of the laboratory or type of laboratory services. Each project will be put through a competitive mini bid process.

## 5. Future Competition

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

When DEP determines that it needs laboratory services for projects greater than \$2500, DEP staff will develop a mini bid with specific directions which is e-mailed to all laboratories on the prequalified list. The laboratories will submit proposals (e-mail) and DEP will select a winning bidder based on lowest cost and ability to meet specifications provided in the mini bid. In emergencies or for small jobs, DEP may select a laboratory based on practicality, availability and cost.

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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.

DEP will only contract with willing Maine Certified and/or qualified Laboratories and Maine DEP Asbestos Licensed Laboratories for these services.

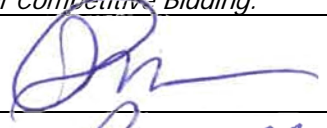
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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.

N/A

**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:**

Paul Mercer

**Date:**

12-18-16

## State of Maine

### Waiver to Competitive Bidding Request Form

The following list identifies all providers/vendors associated with this State of Maine Waiver of Competitive Bidding Request Form along with their specific vendor codes (if available).

Vendor	City	State	Total Contract Amount
Absolute Resource Associates	Portsmouth	NH	\$150,000
Acheron Inc. dba ClearWater Laboratory	Newport	ME	\$150,000
AEC LABORATORIES, LLC	WEYMOUTH	MA	\$75,000
AIR QUALITY MANAGEMENT SERVICES, INC.	LEWISTON	ME	\$75,000
Alpha Analytical	Westborough	MA	\$150,000
ALS Environmental	Rochester	NY	\$150,000
AMERICA SCIENCE TEAM RICHMOND	MIDLOTHIAN	VA	\$75,000
AMRO Environmental Laboratories Corp.	Merrimack	NH	\$150,000
Analytical Services, Inc.	Williston	VT	\$150,000
Aqua Pennsylvania, Inc.	Bryn Mawr	PA	\$150,000
ARCADIS US., INC.	SYRACUSE	NY	\$75,000
Atmospheric Analysis and Consulting, Inc	Ventura	CA	\$150,000
AXYS Analytical Services LTD	Sidney	Canada	\$200,000
BATTA LABORATORIES, LLC.	NEWARK	DE	\$75,000
Brooks Applied Labs, LLC	Bothell	WA	\$150,000
CEI LABS, INC.	CARY	NC	\$75,000
Chemtech	Mountainside	NJ	\$150,000
City of Brewer Water Dept. Water Testing Laboratory	Eddington	ME	\$75,000
Cole Ecological, Inc.	Greenfield	MA	\$75,000
Con-test Analytical Laboratory	East Longmeadow	MA	\$150,000
Eastern Analytical, Inc.	Concord	NH	\$150,000
EMSL Analytical, Inc.	Cinnaminson	NJ	\$150,000
Environmental Hazards Services LLC	Richmond	VA	\$150,000
ENVIRONMENTAL SAFETY & HYGIENE ASSOC.INC	WESTBROOK	ME	\$75,000
ENVIRONMENTAL SAFETY PROFESSIONALS	BREWER	ME	\$75,000
Environmental Science Corporation	Mount Juliet	TN	\$150,000
Envirosystems, Inc	Hampton	NH	\$150,000
ESS Laboratory	Cranston	RI	\$150,000
Eurofins Eaton Analytical, Inc (EEAI)	Monrovia	CA	\$150,000
Granite State Analytical, LLC	Derry	NH	\$150,000
HILLMANN CONSULTING, LLC	UNION	NJ	\$75,000
ICON ENVIRONMENTAL CONSULTANTS	AUGUSTA	ME	\$75,000
INTERNATIONAL ASBESTOS TESTING LABORATORY	MT. LAUREL	NJ	\$75,000
J3 RESOURCES, INC.	HOUSTON	TX	\$75,000
Katahdin Analytical Services	Scarborough	ME	\$300,000

<b>Vendor</b>	<b>City</b>	<b>State</b>	<b>Total Contract Amount</b>
MAFES Analytical Laboratory (UMO)	Orono	ME	\$75,000
Maine Coast Lab dba Water Quality and Compliance Services, Inc.	Wiscasset	ME	\$75,000
Maine Environmental Laboratory	Yarmouth	ME	\$150,000
Microbial Insights, Inc	Knoxville	TN	\$150,000
MIDCOAST ENVIRONMENTAL, INC.	STANDISH	ME	\$75,000
National Testing Laboratories, Ltd.	Ypsilanti	MI	\$75,000
Nelson Analytical	Kennebunk	ME	\$150,000
Northeast Laboratory Services	Winslow	ME	\$150,000
NORTHEAST TEST CONSULTANTS	WESTBROOK	ME	\$75,000
Optimum Analytical and Consulting, LLC	Salem	NH	\$150,000
Pace Analytical Services, Inc.	Minneapolis	MN	\$150,000
Paris Utility District	South Paris	ME	\$75,000
Phoenix Environmental Laboratories, Inc.	Manchester	CT	\$150,000
PROSCIENCE ANALYTICAL SERVICES, INC	WOBURN	MA	\$75,000
R.I. Analytical Laboratories, Inc.	Warwick	RI	\$150,000
SANAIR TECHNOLOGIES LABORATORY, INC.	POWHATAN	VA	\$75,000
Sawyer Environmental Chemistry Research Lab	Orono	ME	\$75,000
Schneider Laboratories Global, Inc.	Richmond	VA	\$150,000
SCIENTIFIC ANALYTICAL INSTITUTE, INC.	GREENSBORO	NC	\$75,000
SGS Accutest Inc.	Marlborough	MA	\$150,000
TestAmerica Laboratories, Inc.	South Burlington	VT	\$150,000
TRC ENVIRONMENTAL CORPORATION	WINDSOR	CT	\$75,000
Vista Analytical Laboratory, Inc.	El Dorado Hills	CA	\$200,000
			\$7,075,000