State of Maine

Master Agreement

Effective Date: 08/28/18
Expiration Date: 08/31/19

Master Agreement Description: Blood+Urine Collection kits for alcohol samples for OUI/DUI

Buyer Information
William Allen 207-624-7871 ext. NULL WJE.Allen@maine.gov

Issuer Information
LISA ROBBINS 207-287-2727 ext. lisa.robbins@maine.gov

Requestor Information
Lisa Robbins 207-287-2727 ext. lisa.robbins@maine.gov

Authorized Departments
10A DEPT OF HUMAN SERVICES

Vendor Information

Vendor Line #: 1
Vendor ID VC1000057256
Vendor Name LYNNE PEAVEY CO
Alias/DBA

Vendor Address Information
PO BOX 14100
LENEXA, KS 66285-4100
US

Vendor Contact Information
Greg Ebeling
800-255-6499 ext. 6652
gebeling@lynnpeavey.com
### Vendor Information

**Vendor Line #:** 1  
**Vendor Name:** LYNN PEAVEY CO

### Commodity Information

**Commodity Line #:** 2  
**Commodity Code:** 49043  
**Commodity Description:** Collection kits for blood and urine alcohol testing  
**Commodity Specifications:** As per the specifications attached made part of this MA  
**Commodity Extended Description:** Collection kits for blood and urine alcohol testing

<table>
<thead>
<tr>
<th>Quantity</th>
<th>UOM</th>
<th>Unit Price</th>
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<tbody>
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<tr>
<td>Lynn Peavey</td>
<td>0.0000</td>
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</table>
COMMODITY ITEM:  Blood & Urine Collection kits for alcohol samples for OUI/DUI

CONTRACT PERIOD:  Through August 31, 2019. The State of Maine with vendor approval can opt to issue up to two (2) one (1) year extensions. (NOI 0820181364)

VENDOR CONTACT PERSON:  The contact person will help consumers place orders, inquire about orders that have not been delivered, all shipping issues, quality issues, and any issues pertaining to this Master Agreement. All orders not submitted through a DO will be sent through the contractor’s contact person. The contact person will be:  Demetria Cobin  Phone: 800-255-6499 Ext# 6611  Email:  dcobin@peaveycorp.com

EXTENSION OF CONTRACT:  The Director of Procurement Services may, with the consent of the contractor extend the Contract period beyond the indicated expiration date.

CANCELLATION OF CONTRACT:  The Division of Procurement Services reserves the right to cancel a contract with a thirty-day written notice OR cancel immediately if the contractor does not conform to terms and conditions and specifications of contract.

PRICES:  Prices shown are to be net including transportation charges fully pre-paid by the contractor FOB destination. Prices are to remain firm for the duration of the contract.

QUANTITIES:  It is understood and agreed that the contract will cover the actual quantities required by State Agency over the length of the contract.

ORDERING PROCEDURE:  Delivery orders (DO) will be created in AdvantageME for all orders over $5000.00. If a DO is used, the DO will be e-mailed to the email address set up in AdvantageME by the Vendor gebeling@lynnpeavey.com as a .pdf file. Orders less than $5000.00 can be ordered using a P-Card.

DELIVERY:  The Contractor will be responsible for the delivery of material in first class condition at the point of delivery, and in accordance with good commercial practice.

QUARTERLY REPORT:  The Division of Procurement Services requires a quarterly report of sales be faxed to 207-287-6578 within 30 days of the end of each calendar quarter. It will be the responsibility of the vendor to produce a quarterly report. The report must include the dollar value of goods purchased, broken down by Department as well as the total dollar value of purchases made by all Departments.

PROCUREMENT CARD:  State policy requires vendors to accept the State of Maine Procurement Card (P-Card) as a form of payment, with very rare exceptions. Your company will be required to accept these cards. The pricing offered to the State of Maine shall be the final cost to the State of Maine regardless of payment method. No surcharge or other compensation will be allowed. The State of Maine reserves the right to reject your bid if you are unwilling to accept this condition.
<table>
<thead>
<tr>
<th>SUPPLIER PART NUMBER</th>
<th>ITEM DESCRIPTION</th>
<th>EXTENDED DESCRIPTION</th>
<th>UNIT OF MEASURE</th>
<th>LIST PRICE</th>
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<tr>
<td>05790</td>
<td>Blood Alcohol Kits w/Butterfly Needle, Min Order 100</td>
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<td>Min. order 9 rolls order in multiples of 3</td>
<td>RL</td>
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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.

DHHS/DCM Contract Administrator: Shawn Belanger

Office/Division/Program of Contract Administrator: DHHS, MeCDC, DC, HETL, Sue Dowdy

Contract or RQS Number: 

Purchasing Maine ID: 

DHHS Agreement Number: 

Proposed Start Date: 8/1/2018
Proposed End Date: 09/30/2021

Vendor/Provider: Lynn Peavey Company
Name, City, State: Lenexa, KS

Short Description of Good or Service: Blood and alcohol kits purchased for Public Safety OUI/DUI Program under an MOU reimbursing HETL.

Notice of Intent to Waive Competitive Bidding Number: To be completed by the Division of Procurement Services
Posting dates on Division of Procurement Services website:
From: 8/21/2018 To: 8/27/2018
NOI# 0820181364

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;

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;

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.
### State of Maine Waiver of Competitive Bidding Request Form

| 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 accordance with Maine Revised Statute 29A – the following criteria must be met for all blood and urine collection kits:

Equipment for taking specimens. For purposes of this section, only blood and urine collection kits having a stamp of approval affixed by the Department of Health and Human Services/HETL may be used to take a sample specimen of blood or urine, except that a self-contained, breath-alcohol testing apparatus, if reasonably available, may be used to determine the alcohol level.

The blood/urine collection kits provided by Lynn Peavey Company consistently meet all requirements for Title 29-A and the State’s law enforcement community.

### 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.

Sufficient staffing, resources, or expertise is not available within the State of Maine’s government.

### 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 HETL determined the cost of the kits to be fair and reasonable by comparing the quality of commercially available kits and components from different companies, however, these kits would need to be assembled manually. By purchasing the kits already assembled by Lynn Peavey, HETL realizes cost savings not only in the kits, but also in personnel time that would be required to assemble the kits.

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

This master agreement will not be going out to RFP at this time since it is imperative that kits used for the collection of blood and urine in criminal cases meet statutory requirements and consist of needles, tubes and mailing devices.

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.

Since the implementation of policies allowing law enforcement officials (Police Officers) to collect blood alcohol samples, the law enforcement community has requested that all collection kits include butterfly needles for conducting venous blood draws. The collection kits provided by Lynn Peavey are the only commercially available kits which include a butterfly needle.
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

<table>
<thead>
<tr>
<th>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</th>
<th>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed Name:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td>5 AUG 2018  15 AUG 2018</td>
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EXTENSION OF ANNUAL CONTRACT

Commodity Item: Blood+Urine Collection kits for alcohol samples for OUI/DUI

Contractor: Lynn Peavey

Contract Period Extended To: 9/30/2021

Extension Clause: The State reserves the right to extend this contract for a period of two years, with the consent of the contractor.

Agreement to Extend Contract:

In accordance with the above referenced Extension Clause, the undersigned agrees to continue in effect said Contract #MA 18082800000000000000020 until September 30, 2021 with all terms, conditions remaining as shown in the original contract.

Copy of which is acknowledged on this date.

Contractor: The Peavey Corporation dba Lynn Peavey Co.

By: J Greg Ebeling

E-mail Address: gebeling@peaveycorp.com

Date: 6/27/19

Dollar value the State has spent on this contract from 8/28/2018 to present: $7,392.50