

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:	Megan Patterson, BPC Director	Office/Division/Program of Contract Administrator:	DACF/Board of Pesticides Control (BPC)
Est. Contract Amount:	\$ 5,360	Contract or RQS Number:	RQS01A20191113*618
Proposed Start Date:	August 15, 2019	Proposed End Date:	August 15, 2019
Vendor/Provider Name, City, State:		Maine Mobile Health Program, Inc. Augusta, Maine	
Short Description of Good or Service:		This is a grant to provide funding for multi-lingual pesticide safety training for migrant agricultural workers in Maine, including training that meets the requirements of the federal (EPA-mandated) Worker Protection Standard.	
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.		To be completed by the Division of Procurement Services Posting dates on Division of <i>Procurement Services</i> website: From: <u>1/6/2020</u> To: <u>1/12/2020</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0120200011	
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.			
<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;		
<input type="checkbox"/>	<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> Signature:	
<input type="checkbox"/>		Printed Name:	Date:
<input checked="" 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 of Maine Waiver of Competitive Bidding Request Form

	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.

Protecting farmworkers from pesticide exposure is a matter of basic decency and respect. Federal standards reflect this by requiring that all pesticide handlers and agricultural workers who may be exposed to pesticide residues (such as on crops or equipment) during their job duties receive training in pesticide safety and the applicable regulations. The training must be provided in a language that the workers understand. Maine's migrant farmworker community is exceptionally diverse, both culturally and linguistically, compared to its counterparts in other states. We have workers who speak Spanish, Haitian Creole, French, and various other languages. The BPC does not currently have staff capacity to provide training in this wide range of languages. The Maine Mobile Health Program (MMHP) has this expertise in-house.

Of equal importance is that the MMHP has an established relationship with Maine's migrant worker communities. By contrast, the BPC is a regulatory agency and does not have established channels of communication with migrant workers. The MMHP provides medical, educational and social services thus making them well-positioned to become aware of pesticide-exposure situations, and to then

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

assist the BPC in preventing and addressing these issues.

The cooperative agreement will provide funding to support salary and travel expenses for multi-lingual seasonal personnel to provide WPS and related pesticide-safety training for several hundred farmworkers.

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 Maine Mobile Health program has the agricultural, medical and cultural expertise to serve this migrant community. They also have a long-established relationship with Maine's migrant farmworkers. Throughout the year, the BPC does provide similar training for other sectors of the agricultural industry in Maine. However, the BPC does not have the linguistic expertise or the number of staff necessary to provide training for the number of agricultural workers present in the state during the growing season. The MMHP has the expertise, and because of its unique mission, it can focus entirely on safety and health concerns in the migrant community. The BPC, by contrast, serves the whole of Maine and has numerous other competing responsibilities including but not limited to regulatory licensing, applicator education, enforcement, and administrative services.

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**.

MMHP trains several hundred workers in pesticide safety and the Worker Protection Standard annually, in languages that the BPC staff does not speak. In the process, they build relationships with the migrant community that foster cooperation with both MMHP and the BPC, making it easier for the BPC to generate voluntary compliance among farmers, applicators, and other members of the regulated community. There are substantial synergies that arise from the BPC's support of MMHP that far exceed the value of the money spent.

5. Future Competition

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

None. The MMHP is a non-profit organization. There is little economic incentive to provide services to the migrant community.

State of Maine Waiver of Competitive Bidding Request Form

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.

For the reasons already discussed, the MMHP is the only entity in the state with the resources, expertise and established relationships to deliver these important services effectively to the migrant farmworker communities.

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.

**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.*

A. Carleton

Printed Name:

Aimee Carleton

Date:

11/29/19