

**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>	Dan Rolfe	<b>Office/Division/Program of Contract Administrator:</b>	Fleet Services				
<b>Est. Contract Amount:</b>	\$20,042.72	<b>Contract or RQS Number:</b>					
<b>Proposed Start Date:</b>	11/22/2019	<b>Proposed End Date:</b>	11/22/2019				
<b>Vendor/Provider Name, City, State:</b>		Daigle & Houghton 571 Coldbrook Rd, Hermon, ME 04401					
<b>Short Description of Good or Service:</b>		Engine & transmission repair to T07-075					
<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><b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>01/07/2020</u> To: <u>01/13/2020</u></p>					
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# <b>0120200019</b>					
<p><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.</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;						
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;						
<b>X</b>	<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><b>Signature:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;"><b>Printed Name:</b></td> <td style="width: 40%; border: none;"><b>Date:</b></td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>			<b>Printed Name:</b>	<b>Date:</b>		
<b>Printed Name:</b>	<b>Date:</b>						

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

	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>	
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p>	
	<p><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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i></p>	
	<p>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;</p>	
	<p>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.</p>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here.</p>	
<p><b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b></p>		
<p><b>2. Description of Specific Need</b> 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>		
<p>T07-075 has had many issues with multiple oil leaks, transmission problems and engine performance issues. Repairs were done in-house but the chronic issues were never fully resolved. At the time of this repair, the truck would not stay running. This had a large negative impact on Traffic who uses this as a mobile service truck.</p>		
<p><b>3. Availability of other Public Resources</b> 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.</p>		
<p>After numerous attempts to repair and resolve the repair issues, the decision was made to send the truck to a certified International dealer. The dealer has access to specialized proprietary tools, diagnosing software and contacts at the manufacturer that Fleet Services does not. The manufacturer was brought in for this issue for consultation, troubleshooting and guidance.</p>		

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

**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**.

Daigle & Houghton is the closest certified International dealer to service this truck. They have specialized resources that are not available to MaineDOT and since the Fleet garage was not successful in repairing the truck, it made sense to send it to the dealer for resolution. MaineDOT was able to negotiate a goodwill policy credit of \$11,008.64 which reduced the final cost by 35%.

**5. Future Competition**

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

More certified dealers in the state would allow MaineDOT to put this work out for the competitive bidding process. At this time, the options are very limited for certified dealers who are qualified to perform this work. More dealers would allow for competition in providing these services.

**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**

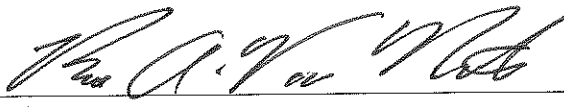
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

Daigle & Houghton is the only certified International dealer in this area. After numerous failed in-house attempts at getting resolution to the chronic performance issues for this truck, the decision was made to send the truck to the dealer. MaineDOT would not have been able to perform the specialized health testing requested by the manufacturer due to the lack of the specific International software and access to the manufacturer consultation 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.

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

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
<b>Printed Name:</b>	Bruce A. Van Note
<b>Date:</b>	12/24/19