

**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>	Kevin Doyle	<b>Office/Division/Program of Contract Administrator:</b>	Fleet Services
<b>Est. Contract Amount:</b>	\$ 55,000.00	<b>Contract or RQS Number:</b>	
<b>Proposed Start Date:</b>	12/2/2019	<b>Proposed End Date:</b>	1/3/2020
<b>Vendor/Provider Name, City, State:</b>	Cues, 14 Caldwell Drive Amherst ,N.H. 03031		
<b>Short Description of Good or Service:</b>	Repairs to Crane Truck T07-120		
<b>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.</b>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>01/23/2020</u> To: <u>01/29/2020</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0120200070		
<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;		
<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> <b>Signature:</b>	
<input type="checkbox"/>		<b>Printed Name:</b>	<b>Date:</b>
<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 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		

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	products;	
	<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>	
	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:	
<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>Unit 07-120 had hit a bridge while being towed back to Fleet Services back in 2018. At that time, the contractor (towing company) paid to have the known damage fixed at a cost of about 77K. Cues did the work because of the extent of the damage and the fact that they would be able to certify the unit back into service when they were done. Since getting it back from Cues, we have had a number of issues that have plagued this unit. We have attempted to rectify the issues in-house to save time and money, however in the end, we feel we are unable to fix this unit ourselves. Cues fixed everything they knew about from the accident however, we feel there was more damage than what was known at the time and over time these issues have come to light, including metal in the hydraulic systems. This will require a total system flush and repair, some of these parts we are not able to get or repair ourselves.</p>		

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**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.

Due to the workload of the Augusta Fleet Services garage, along with the fact that this is a specialized piece of equipment that we do not have the technical information or a way to obtain that information to make the necessary repairs. It is beyond the working knowledge of the Department and is in the best interest of the State to have the dealer and manufacturer work on this unit. Cues was the selling dealer when this unit was purchased, they have access to the manufacturer's information and parts. This unit is required to be certified when it is put back into service.

**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**.

Due to the nature of the work this unit does, it is more cost-effective to have the dealer do this work. This repair would not have been something the Department could have cost effectively done and completed in a timely manner.

**5. Future Competition**

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

If we could convince more Crane manufacturers and service facilities to move into more locations in the state, it would potentially foster better competition. These are very specialized pieces of equipment.

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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.

This request for a non-competitive contract is based on this unit being a very specific type and size of equipment. It requires special tooling, training and knowledge that only a dealer can provide. In this case it is all three: tooling, training and knowledge for this repair.

**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.*



**Printed Name:**

*Bruce A. Van Note*

**Date:**

*11.20.19*