

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:	Chris Moiles	Office/Division/Program of Contract Administrator:	MCDC/Disease Prevention/WIC
Est. Contract Amount:	\$ 25,345.00	Contract or RQS Number:	RQS 10A-20190122*804
013-10A-2074-03-5606-WC13-NSAWIC-F2019		Purchasing Maine ID:	
		DHHS Agreement Number:	CD0-19-4671
Proposed Start Date:	1/18/2019	Proposed End Date:	6/30/2019
Vendor/Provider Name, City, State	Hemocue America Brea, CA		
Short Description of Good or Service:	HemoCue HB 301 System – 4 Box Promo In-person training for use of HemoCue HB 301 Analyzers		
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>3/21/2019</u> To: <u>3/27/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0320190343	
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;		
	<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:	
		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 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 Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.		

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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.

WIC Program federal regulations require that all women and child participants applying for WIC Program benefits must have an anemia screening test (hemoglobin or hematocrit) as part of the WIC nutrition assessment and subsequent assignment of nutrition risk. The WIC eligible population is at a higher risk for anemia, making this screening test essential for tailored WIC counseling and referrals to medical providers when low results are obtained. Anemia impacts a child's cognitive development and subsequent ability to learn, therefore, it is essential for the WIC nutrition assessment to identify children who have a low anemia screening test result that is lower than the threshold for their age. Quickly reversing anemia has a significant positive impact on a child's ability to learn later in life.

Hemocue analyzers have been in use by the Maine WIC Program for over 30 years. Over 75% of Hemocue 201+ machines currently in use at WIC local agencies are 15 years old and in need of replacement before equipment failures begin to occur. Replacement of machines in half of WIC local agencies this year and the other half next year will ensure our program's ability to maintain compliance with WIC nutrition assessment requirements.

The Hb301 analyzer offers a read time of 3 seconds or less, thus saving staff time when doing required anemia screening tests. Accuracy is also essential with anemia screening to prevent false high or low results; the Hb301 analyzer has been tested and verified to provide hemoglobin results with accuracy to ± 0.5 grams/deciliter. The Hb301 machines have automated door closures, which eliminates blood splatter inside the machine (blood splatter inside the device impacts accuracy of test results).

Staff training needs are essential to ensure proper technique for capillary blood samples, which also impacts accurate test results. Hemocue offers certified on-site staff training free of charge at all Maine WIC local agency sites as well as an online training module for new staff.

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.

No other local, state, or federal agencies have the capacity to perform this service.

WIC Federal Regulations require anemia screening for:

- All WIC child participants: age 9-11 months, 15-18 months, then annually until age 5 (unless anemia screening test indicates risk of anemia, in which case a follow up is required 6 months after a low hemoglobin result). Hemoglobin results are requested from health care providers when available. However, anemia screening tests are typically not ordered by health care providers at these ages and frequency.
- All pregnant women: results are requested from health care providers when available; for women who have not had an anemia screen, the hemoglobin test is done by WIC staff, thus ensuring compliance with nutrition assessment requirements.
- All postpartum women: results of an anemia screen are required ≥ 4 weeks after delivery; hemoglobin results are not typically available from health care providers ≥ 4 weeks after a woman has delivered and are obtained at the WIC appointment by WIC staff.

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**.

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The Hemocue machines currently in use at Maine WIC local agencies have had a very long term, reliable track record, as evidenced by over 75% of them being in use for 15 years. New analyzers may be expected to last for the long term as well. All Hb301 analyzers are covered by a three-year warranty by Hemocue.

The Hb301 analyzer utilizes a blood collection cuvette that has a longer shelf life than cuvettes used with the Hb201+ machines currently in use (which have a shelf life of 90 days after container is opened). This longer shelf life reduces the likelihood of expired cuvettes having to be discarded, which is a significant cost savings.

Hemocue has offered a special purchase price for this order (purchase of each analyzer with 4 boxes cuvettes), which reduces the price from the full retail purchase price for just the analyzer.

5. Future Competition

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

At present, there are no other anemia screening devices with all the features described above:

- Reagentless cuvettes with 24-month shelf life
- Test results available in ≤ 3 seconds, saving staff time
- Free certified onsite training at all Maine WIC clinic sites
- Free online training modules, ensuring accuracy of staff techniques
- Three-year warranty on new devices
- Automated door closure, eliminating blood splatter

If other devices with these features become available on the market, consideration will be given to them.

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.

As the provider of anemia screening devices for WIC programs in Maine for over 30 years, as well as many other WIC programs in the country, Hemocue has a proven ability to be responsive to needs of WIC agencies. An anemia screening test done by WIC staff is a cost-effective solution to meeting the requirements of anemia screening testing as part of the WIC nutrition assessment. The blood test is a capillary sample taken from a finger and does not require an expensive venous blood sample drawn in a hospital lab.


The unique feature of quick anemia screening results in ≤ 3 seconds is extremely important for staff who work with many participants, including many young children, each day. Elimination of blood splatter inside the machines will ensure accuracy of results obtained, which will reduce the potential for false low hemoglobin results.

As part of an ongoing effort to maintain training provided to staff, the free on-site training upon request will ensure staff are using proper technique, which also increases accuracy of results and reduces false low results being sent to health care providers.

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.

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Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	JEFF Wiley
Date:	14 MAR 2019