

MFS

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:	Kent Nelson	Office/Division/Program of Contract Administrator:	Maine Forest Service Forest Protection Division
Est. Contract Amount:	\$ 7792.30	Contract or RQS Number:	RQS 01A 20190222 *0928
Proposed Start Date:	February 21, 2019	Proposed End Date:	March 30, 2019
Vendor/Provider Name, City, State	Beauregard Equipment, Inc. 59 Contractor Dr. Hermon, ME 04401 848-2050		
Short Description of Good or Service:	Completed annual service and unexpected repairs on Morbark wood chipper.		
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# 0320190346	
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;			
<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: _____	
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; <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;			
X	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.

This wood chipper is used for our hazardous fuels mitigation program. Each year, we schedule 12 – 15 brush chipping days in various communities throughout Maine. It is also used to dispose of brush at several state-owned facilities.

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.

Beauregard Equipment is the only one authorized service center for Morbark wood chippers in Maine. They have two locations and it was more convenient to bring our chipper to their location in Herman than the other location in Scarborough.

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**.

In the past, we used Nortrax in Westbrook to complete the annual service on the wood chipper. If no problems were found, the average cost for annual service was usually less than \$2000. In 2018, Nortrax gave up the dealership for Morbark and Beauregard Equipment took it over.

Unfortunately, Beauregard Equipment found a safety problem with the chipper drum. It required the drum to be removed and sent to a machine shop for reconditioning. This type of repair is very expensive because the drum has to be perfectly balanced. If they didn't notice this problem (which was due to normal use), The drum could have broken while at a high speed and caused severe injuries to the chipper operator and interns.

5. Future Competition

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

Beauregard Equipment is the only authorized Morbark dealer in Maine.

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.

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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.

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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.

This wood chipper will be used in the spring / summer / fall season and once we start using it, there is little time for repairs and maintenance. Each community schedules their brush chipping day in advance and we use summer interns to load the brush. The interns usually start during the first week of May.

**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.

Amanda Beal

Printed Name:

Amanda Beal

Date:

2/28/19