

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:	Steven Greeley	Office/Division/Program of Contract Administrator:	Maine Department of Labor – BLS – Workplace Safety and Health
Est. Contract Amount:	\$ 75,000	Contract or RQS Number:	CT12A20200206*2221
Proposed Start Date:	3/1/2020	Proposed End Date:	3/1/2023
Vendor/Provider Name, City, State:	Wilner-Greene Associates, Inc. 10 Forest Falls Drive, Unit 1A, Yarmouth, ME 04096 VC10000097094		
Short Description of Good or Service:	Instrument Repair and Calibration		
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>3/5/2020</u> To: <u>3/11/2020</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0320200194		
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>	<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>Signature:</p>	
<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 from only one source;		

State of Maine Waiver of Competitive Bidding Request Form

	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) <u>all</u> 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.		
<p>The Maine Department of Labor's Enforcement and Safetyworks consultation services are necessary to protect the lives of Maine's workforce. The Industrial Hygiene Equipment that they utilize for this purpose, per the State of Maine's Statute Title 26 and Federal Grants 21(d) and 23(g), MUST be in good repair and have up to date calibrations. Repair, calibration, and necessary replacement, of Industrial Hygiene Equipment, in a timely manner, is imperative to the operation of our consultant's duties and, to prevent Maine's employers and their employees from exposure to hazardous situations. Wilner-Greene has been a critical asset in getting the department's Industrial Hygiene Equipment repaired and recalibrated, and back in service with limited downtime.</p>		

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

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 State of Maine does not employ the necessary technicians that are certified to repair and recalibrate its industrial hygiene equipment. Therefore, we must rely on vendors such as Wilner-Greene. Wilner-Greene is conveniently located in Yarmouth, Maine, where Safetyworks consultants can easily deliver equipment to be repaired and calibrated or replaced; as well as acquire needed supplies. They do much of their repair and calibration in-house - although some must, unavoidably, be done by the Manufacturer - which saves the State of Maine substantially in time and money. Otherwise, the State would need to ship its equipment to the manufacturer. Or, to an inconveniently located company that does not do its repairs or recalibrations in-house, costing the State, money and time delayed 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**.

The Maine Department of Labor has compared Wilner-Greene's pricing with that of other providers. Given the savings on repair and calibration, time, shipping, and with the discount pricing listed below, Wilner-Greene's rates are fair and reasonable. Wilner-Greene has provided the following information:

"As part of our other State Open PO Contracts for repair and calibration of Industrial Hygiene Equipment, we offer a 10% NET Day, 5% NET 20 Day, and 2% NET 30 Day payment structure which we will certainly pass onward as part of our contract with the State of Maine."

5. Future Competition

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

There are no other vendors capable of providing the necessary service, required by Safetyworks, at the same cost.

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.

Wilner-Greene is located in-state and does 90% of their work in-house, which gets our consultants right back out into the field and working for Maine employers, and their employees. We currently have around 70 pieces of equipment that require calibration and maintenance each year. If we were to ship all that equipment out of state, time delay and cost would increase substantially.

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.

Because employers call with requests for service as specific hazardous operations are taking place, the Department of Labor's Enforcement and Safetyworks consultants must have their equipment ready and in proper working order, to work with employer's in protecting their workforce against hazards such as, asbestos, formaldehyde, silica, noise exposure, mold, and the many other serious adverse conditions.

**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.*



Kimberly Smith

Printed Name:

Date:

2/24/2020