



DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
**OFFICE OF STATE PROCUREMENT SERVICES**  
 STATE OF MAINE

**PROCUREMENT JUSTIFICATION FORM (PJF)**

This form must accompany all contract requests and sole source requisitions (RQS) over \$10,000 submitted to the Office of State Procurement Services.

*INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Procurement Services intranet site (Forms page) for additional instructions.*

PART I: OVERVIEW				
Department Office/Division/Program:		DHHS / Maine CDC / HETL		
Department Contract Administrator or Grant Coordinator:		Brienne Carrero / Nicole Mitchell		
(If applicable) Department Reference #:		CD0-26-54MA28		
Agency Department Code:	18P	Advantage CT / RQS #:	MA	22112100000000000076
Amount: (Contract/Amendment/Grant)		\$65,000.00		
CONTRACT	Proposed/Original Start Date:	12/1/2025	Proposed/Most Recent End Date:	11/30/2027
AMENDMENT	New Effective Date:		New End Date (if Applicable):	
GRANT	Project Start Date:		Grant Start Date:	
	Project End Date:		Grant End Date:	
Vendor/Provider/Grantee Name, City, State:		MaineOxy / SpecAIR specialty gases Auburn, ME		
Brief Description of Goods/Services/Grant:		Bulk liquid argon and nitrogen for the HETL		

PART II: JUSTIFICATION FOR VENDOR SELECTION			
Check the box below for the justification(s) that applies to this request. (Check all that apply.)			
<input type="checkbox"/>	A. Competitive Process	<input type="checkbox"/>	G. Grant
<input type="checkbox"/>	B. Amendment	<input type="checkbox"/>	H. State Statute/Agency Directed
<input checked="" type="checkbox"/>	C. Single Source/Unique Vendor	<input type="checkbox"/>	I. Federal Agency Directed
<input type="checkbox"/>	D. Proprietary/Copyright/Patents	<input type="checkbox"/>	J. Willing and Qualified
<input type="checkbox"/>	E. Emergency	<input type="checkbox"/>	K. Client Choice
<input type="checkbox"/>	F. Higher Education Cooperative Project	<input type="checkbox"/>	L. Other Authorization

Please respond to ALL of the questions in the following sections.

### PART III: SUPPLEMENTAL INFORMATION

1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

Nitrogen and argon are used by the HETL for clinical, environmental and forensics analyses of water, blood, serum, and urine.

**Nitrogen** - Nitrogen is used by the HETL for organic and forensic analyses in various matrices and is a critical gas for mass spectrometer operations as well as the concentration of sample aliquots for both environmental and forensics analyses. Since the lab operates daily, a house supply provided by a cryogenic tank minimizes delays in analyses, minimizes any form of contamination, eliminates the need for purging operations between tank exchanges, and provides continuity of operations.

**Argon** - Argon is used by the HETL for metals analyses of water, blood, serum, and urine using inductively coupled plasma spectroscopy, sometimes coupled with mass spectroscopy. The lab is sensitive to krypton contamination of argon, as it interferes with testing analyses, so the vendor must consistently demonstrate its ability to minimize any krypton contamination issues. The argon gas supply is critical for the operation of several machines that support the Childhood Lead Testing project required by Maine Statute (Title 22: HEALTH AND WELFARE Chapter 252: LEAD POISONING CONTROL ACT §1319-D. LABORATORY TESTING), the Lead Abatement Programs in the state (06-096-424 Me. Code R. § app. A), and for water testing support of the Maine Drinking Water Program. Since the lab operates daily, a house supply provided by a cryogenic tank minimizes delays in analyses, minimizes any form of contamination, eliminates the need for purging operations between tank exchanges, and provides continuity of operations.

**Tank Size** - Liquid bulk tank size optimization is critical. Too small a tank, and you run a risk of running out of supply and the costs associated with frequent fills. Too large a size, and the evaporation rate of the liquified gas exceeds the use rate and much of the product simply vents into the atmosphere. MaineOxy completed studies in 2023 and installed the optimum argon and nitrogen tanks at the HETL.

2. Provide a brief justification for the selected vendor to supplement the response in Part II. Reference the solicitation (RFP/RFA/RFQ) number if applicable.

The cryogenic tanks installed by MaineOxy provide the HETL with ultra-pure argon and nitrogen in the most reliable format for supply and refilling capabilities and are a cost-effective alternative to multiple gas cylinders or smaller Dewar vessels. During the Greenlaw Renovation Project, it was determined by the project managers as early as 2021 that the lab would need cryogenic tanks for argon and nitrogen. At that point in time, MaineOxy was the vendor of choice for cryogenic argon when the lab was at 221 State St., and, to the best of our knowledge, was the only vendor that responded to the contractor's (Cianbro) request for quote for Greenlaw. The other vendors argued that Augusta, Maine did not have the customer base needed to justify a tractor-trailer load (5000 gal) of liquified nitrogen, especially since the cryogenic tanks at the HETL tanks would be <1000 gal. Furthermore, in a project conducted with MeCDC Chief of Operations (Veronica Smith) we found that leasing the tanks was orders of magnitude cheaper than owning them because of the regulatory and insurance burden the state would incur if a state facility owned one of these vessels. The only gas provider that would lease the tanks to us was MaineOxy. Because of the costs MaineOxy would incur with buying and installing cryogenic tanks, our understanding is that we committed to for 7 years. The last agreement (RFQ 10A 240305-202) was awarded to MaineOxy on 4/11/2024.

**PART III: SUPPLEMENTAL INFORMATION**

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

The specialty gas market is global, and all vendor prices are expected to fluctuate with supply and demand. The choice of a particular vendor becomes largely dependent on the vendor’s commitment to quality and customer service. MaineOxy’s investment in smaller cryogenic delivery trucks, and their commitment to deliver bulk nitrogen and argon to Augusta, ME makes their negotiated costs fair and reasonable. We have a few things going on here: 1) nitrogen and argon are significant components of our atmosphere, so their price fluctuation is significantly less than less available gases, like helium, 2) the significant gas company in the area is Messer ([Industrial Gas Products - Bulk, Medical, Industrial | Messer](#)) - any Maine gas company would have ultimately depended on Messer for delivery of these specialized products, and 3) other vendors in the state were not interested in leasing or filling cryogenic tanks sized for HETL’s needs (~1000 gallons). A tractor trailer load of cryogenic gas is about 5000 gallons, so many vendors wanted to deliver at least 2000 gallons, which would have been very inefficient for HETL’s needs.

4. Describe the plan for future competition for the goods or services.

Cryogenic tank leasing is not usually an annual term proposition, the intent is to maximize the value after the upfront installation costs. In general, a cryogenic tank install usually involves a commitment of at least 7 years due to the lessor’s capital investment and the lessee’s continuity of operations. Since MaineOxy is involved in that agreement with the HETL for cryogenic tank leasing, our relationship currently enjoys a discounted price. The timing of a competitive analysis of other suppliers will likely be dictated by the terms of the Master Agreement.

**PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)**

Does this request utilize ARPA/MJRP funds?

Yes, MJRP funds (023) – If Yes, please attach the approved Business Case(s).

Yes, ARPA funds (025) or (026) – If Yes, please be aware of the requirements from awarding federal agencies.

No – If No, proceed to Part V.

**PART V: CONFLICTS OF INTEREST (COI); CONTRACT WITH THE STATE**

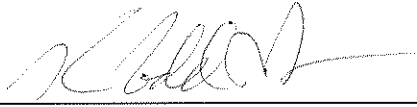
*Maine law contains Conflict of Interest statutes directed to State Departments, State Officers, and Employees Generally under MRS [Title 5, §18](#) and [§18-A](#), in harmony with MRS [Title 17, §3104](#).*

The requesting department’s signatory affirms, understands, and acknowledges Maine’s Conflict of Interest statutes and, in accordance with those statutes and to the best of their knowledge, has determined that no conflict of interest exists at the time of this contract, renewal, or amendment.

**PART VI: APPROVALS**

Governor/Department Commissioner or Designee


1. The signature below indicates approval of this procurement request.

Signature of requesting Department's Commissioner (or designee):			
Typed Name:	R. Todd Haber	Date:	3/18/2026

2. Additional signature required **ONLY** if box E (Emergency) is selected in PART II. The signature below indicates approval by the Department's Commissioner, or the designee specifically authorized to approve emergency procurement requests.

Signature of requesting Department's Commissioner (or designee):			
Typed Name:		Date:	

**\*\*OSPS Section Only\*\***

Signature of DAFS Procurement Official:	<small>DocuSigned by:</small>  <small>7008796FB36A449...</small>		
Typed Name:	Michael McNeil	Date:	3/26/2026

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