

# 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>	Brian Burne	<b>Office/Division/Program of Contract Administrator:</b>	MaineDOT, Bureau of Maintenance and Operations		
<b>Est. Contract Amount:</b>	\$ 800,000	<b>Contract or RQS Number:</b>			
<b>Proposed Start Date:</b>	<b>April 1, 2019</b>	<b>Proposed End Date:</b>	December 1, 2020		
<b>Vendor/Provider Name, City, State</b>	Various Vendors, See Attached Spreadsheet				
<b>Short Description of Good or Service:</b>	Purchase of bituminous, cold and hot patch, asphalt, and concrete for the 2019/2020 construction season.				
<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 <b>Procurement Services</b> website: From: <u>4/1/2019</u> To: <u>4/7/2019</u>			
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0420190396			
<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.					
	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> <b>Signature:</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;"><b>Printed Name:</b></td> <td style="width: 40%; border: none;"><b>Date:</b></td> </tr> </table>		<b>Printed Name:</b>	<b>Date:</b>
<b>Printed Name:</b>	<b>Date:</b>				
	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.				
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	<b>MaineDOT Purview – Any willing and able</b>			

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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.

**Throughout the construction season, MaineDOT crews have the need to purchase hot asphalt, cold patch, and concrete products. Since these products must be placed within a limited amount of time, the location of the suppliers plant, in relation to the job site is a determining factor in which plant(s) may be used. This process establishes master agreements with all vendors that are willing to provide a list of products and pricing for each plant location. The selected vendor for any particular project will be based on the particular suitable product available, haul time, and pricing.**

## 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.

MaineDOT or other state agencies do not produce these products

## 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**.

We are receiving pricing from all vendors and those prices can be openly compared.

## 5. Future Competition

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

Competition in pricing is inherent in this process

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.

Haul time is the most critical factor. Asphalt products must be above a certain temperature upon arriving on the job site. Concrete products must be placed before the concrete sets up in the truck.

## 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.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
<b>Printed Name:</b>	Bruce A. Van Note
<b>Date:</b>	3/29/19

COMMODITY	VENDOR	CITY	STATE	TELE
ASPHALT	Aggregate Industries	Saugus	MA	617-590-2615
BITUMINOUS, Hot Mix Asphalt	All States Asphalt Inc	SUNDERLAND	MA	207-894-5040
BITUMINOUS, Cold Patch	C H Stevenson Inc	Wayne	ME	207-685-3600
CONCRETE	COLEMAN CONCRETE	Conway	NH	603-447-5936
Crafco Concrete Patch	Crafco Inc, DBA PAVING MAINTENANCE SUPPLY	PORTLAND	ME	207-822-9969
ASPHALT EMULSIFIED	Downeast Emulsions	Bangor	ME	207-947-8624
CONCRETE & BITUMINOUS	FR CARROLL	LIMERICK	ME	207-793-8615
CONCRETE	HALEY CONST INC	SANGERVILLE	ME	207-876-4002
BITUMINOUS	HARRY C CROOKER	TOPSHAM	ME	207-729-5511
BITUMINOUS	LANE CONSTR. CORP / EUROVIA	BANGOR	ME	207-945-0873
CONCRETE & BITUMINOUS	MATTINGLY PRODUCTS	ANSON	ME	207-635-2719
CONCRETE & BITUMINOUS	McQUADE (STEELSTONE)	HOULTON	ME	207-532-2675
CONCRETE	OWEN J FOLSOM INC	STILLWATER	ME	207-827-3319
BITUMINOUS	PIKE INDUSTRIES INC	HARTFORD	CT	207-782-2411
CONCRETE	R A CUMMINGS INC (Auburn Conc)	AUBURN	ME	207-777-7100
CONCRETE & BITUMINOUS	SARGENT MATERIALS	STILLWATER	ME	207-827-4435
BITUMINOUS	SHAW BROS CONST	GORHAM	ME	207-839-2552
BITUMINOUS Caribou Area	Solderberg CO INC	Caribou	ME	207-498-6300
BITUMINOUS	STATE PAVING AGGREGATE LLC	FARMINGDALE	ME	207-582-7283
CONCRETE	STATE SAND & GRAVEL	BELFAST	ME	207-338-4070
BITUMINOUS	TROMBLEY IND	LIMESTONE	ME	207-328-4503
CONCRETE	TROMBLEY RED-MIX INC	PRESQUE ISLE	ME	207-328-4503
BITUMINOUS	Vaughn Thibodeau II Inc	BANGOR	ME	207-974-2011