


## State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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>	Robert Walden	<b>Office/Division/Program of Contract Administrator:</b>	Department of Corrections Maine State Prison
<b>Est. Contract Amount:</b>	\$ 22,167.92	<b>Contract or RQS Number:</b>	RQS 03A 20190326*1019
<b>Proposed Start Date:</b>		<b>Proposed End Date:</b>	
<b>Vendor/Provider Name, City, State</b>	JWC Environmental 2600 S. Garnsey Street Santa Ana, CA 92707		
<b>Short Description of Good or Service:</b>	Purchase of a replacement sewer channel grinder (Channel or Muffin Monster) and provide technical installation assistance.		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: 04/01/2019 To: 04/07/2019	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0420190400	
<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.			
<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 checked="" 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>	<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>  <b>Printed Name:</b> Randall Liberty	
		<b>Date:</b> March 26, 2019	
<input 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 Purchases "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>		
<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.		
	If a different authorization specifically allows for this non-		

## State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

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.

The Maine State Prison's sewer channel grinder, which is extremely important in grinding up foreign objects that get flushed by prisoners into our sewer lines, has gone out of service and requires a new replacement unit complete with a new motor which shorted out due to recent heavy debris in the form of bedding and clothing that plugged our sewer line and caused a significant sewage leak (estimated by DEP at 200,000 gallons over 3-days).

We currently have no operational channel grinder which leaves us at an elevated risk of developing more sewer line blockages creating sewer leaks that are now being closely monitored by DEP and the Warren Sanitation District.

JWC Environmental is the only known supplier of this replacement model channel grinder and originally sold this system to us in 2008 while also providing the technical installation assistance.

### 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 needed Channel Grinder "CMD1205-AD" is believed to be a proprietary piece of equipment that is designed to best meet the prison sewer needs.

### 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**.

Emergency proprietary replacement equipment need.

### 5. Future Competition

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

MSP needs to get this emergency purchase ordered, delivered, and installed ASAP and will then look at the possibility of ordering a back-up unit at some point so we can avoid any future emergencies.

## State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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.

### 7. Timeframe

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.

The specified equipment is extremely important in grinding up foreign objects that get flushed by prisoners into our sewer lines such as heavy debris in the form of bedding and clothing that plugged our sewer line and caused a significant sewage leak (estimated by DEP at 200,000 gallons over 3-days).

We currently have no operational channel grinder which leaves us at an elevated risk of developing more sewer line blockages creating sewer leaks that are now being closely monitored by DEP and the Warren Sanitation District.

<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>	
<b>Date:</b>	Randall Liberty, Commissioner
	March 26, 2019