

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:	Lt Scott Gosselin	Office/Division/Program of Contract Administrator:	Office of Public Safety – Maine State Police
Est. Contract Amount:	\$ N/A Master Agreement	Contract or RQS Number:	RQS-16A-20190328*1048
Proposed Start Date:	3/18/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	Life Technologies Grand Island NY		
Short Description of Good or Service:	DNA Testing reagents for forensic testing at the Crime Lab (kits, reagents and consumables)		
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>4/1/2019</u> To: <u>4/7/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190402	
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 Procurement Services 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:
<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;		
<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 Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.		

State of Maine Waiver of Competitive Bidding Request Form

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.

DNA testing at the Maine State Police Crime Lab is performed with proprietary DNA Analysis kits that can only be ordered from Life technologies. The kits are NOT interchangeable (each different kit would need to undergo a validation process that can take 6 to 12 months long).

Life Technologies only guarantees the performance of their instruments (genetic analyzers and thermal cyclers) and DNA kits if we use their reagents and consumables on those instruments because they are designed and manufactured specifically for forensic DNA testing.

These instruments and DNA kits are validated with these Life Technologies consumables. If any part of the testing does not perform as expected, there would be no way to determine what part of the analysis was causing the failure if we deviated from the validated procedure and substituted reagents and consumables from other suppliers.

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.

N/A – these items are utilized in the Crime Lab with commodities purchased from this vendor.

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 DNA Analysis kits, consumables, and instruments are all validated as a system. It would require enormous time and resources to reevaluate varied commodities from other vendors and distributors that routinely change the source and composition of their wares.

5. Future Competition

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

When the Crime Lab needs to replace current lab equipment, a RFP/RFQ will be requested from the forensic DNA analysis vendors that are approved and have undergone developmental validation as required in the forensic human identification field. Assessments, performance checks and evaluations are performed on the best kits/instruments/reagents and a decision about which items to use are then made (which then undergo the lengthy validation in the Crime Lab).

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.

The master agreement is for proprietary kits, reagents, and consumables that have been carefully validated for use at the Maine State Police Crime Lab. They are guaranteed for human identification in the forensic DNA analysis field when used together as a system. The validated system cannot tolerate unspecified changes or alterations without a lengthy re-validation of the system.

There are other manufacturers of DNA analysis kits, but they are NOT interchangeable since the molecular biology components and forensic-grade reagents are very specific to each manufacturer's kit and specifications.

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.

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.

Printed Name:

Michael J. Sauschuck

Date:

3-28-19

OK
JMS