

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:	Rick Bradbury, Director	Office/Division/Program of Contract Administrator:	MDOT Materials Testing & Exploration
Est. Contract Amount:	\$ 8250.00	Contract or RQS Number:	
Proposed Start Date:	5/1/19	Proposed End Date:	6/30/19
Vendor/Provider Name, City, State	InstroTek, Inc., Raleigh, NC		
Short Description of Good or Service:	Install air heating system to the Department's SmarTracker Hamburg Wheel asphalt testing device.		

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 Procurement Services website: From: <u>4/16/2019</u> To: <u>4/22/2019</u>
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Notice of Intent to Waive Competitive Bidding Number:	NOI# 0420190456
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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.

	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>	<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> <hr/> <p>Printed Name: _____ Date: _____</p>
X	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.	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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></p>
	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-	

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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.

Department specifications for asphalt pavement on certain high-priority roadways requires that paving materials must be rut-resistant. The MaineDOT uses a Hamburg wheel tracker to verify compliance with these requirements. The current equipment is set up to conduct testing by submerging the specimens under water. The latest research shows that performing the test in both wet and dry conditions improves the analysis. Upgrading our current equipment to run this test will improve pavement life.

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.

There are no public resources capable of providing this equipment upgrade.

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 estimated cost of the equipment and installation charges was compared to similar equipment upgrades in recent years and found to be reasonable.

5. Future Competition

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

Prior to any equipment purchases/upgrades, we conduct market research and contact other states that utilize similar equipment to identify potential cost savings. Also, as test methods gain popularity, additional equipment vendors come into the market.

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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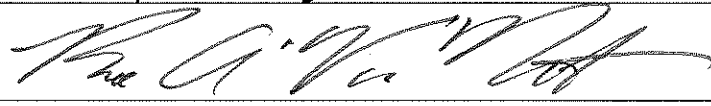
6. Uniqueness

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.

The maker of our existing SmarTracker Hamburg wheel tracker (InstroTek) is the only vendor that produces the equipment that allows the device to perform dry rut testing. There are other manufacturers of Hamburg wheel trackers, but each device is unique in design and construction.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	
Date:	Bruce A. Van Note 4-12-19

*RLB
4/11/19*

PRODUCT SPECIFICATION

1 each of the following:

Air heating system for SmarTracker Hamburg wheel tracker

- Capable of being installed on existing SmarTracker HWT.
- Able to maintain stable test temperature to allow for testing specimens in a dry condition.

Include cost of shipping and installation at the following location:

MaineDOT Central Lab, 219 Hogan Rd., Bangor ME 04401

SUGGESTED VENDORS

InstroTek, Inc.
One Triangle Drive, P.O. Box 13944
Research Triangle Park, NC 27709

Contact:

Anthony Caito
919-875-8371
acaito@instrotek.com