

Memo



To: David Bernhardt, Director of M&O, MaineDOT

Bruce Van Note, Commissioner, MaineDOT

From: Cheryl Whittington, Fleet Services

Date: April 17, 2019



MaineDOT

Re: Morrison & Sylvester Truck Repair

I am requesting your signature on the State of Maine Waiver of Competitive Bidding Request Form for the truck repair performed by Morrison & Sylvester.

- Truck T11-359 came in for service and to investigate the amount of antifreeze use.
- It was determined the head gasket needed replacement. Due to the amount of work in the regional garage as well as the specialized tools needed to complete the work, it was determined the most cost-effective solution was to send the unit out for repair.
- Morrison & Sylvester is the closest certified International facility that could get the truck into their garage in a timely manner. Other vendors that were contacted had a wait time for 4-5 weeks. The vendor repaired the unit correctly and quickly, enabling MaineDOT to get the truck back into service.

Thank you.

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:	Roger Berry Jr.	Office/Division/Program of Contract Administrator:	Reg. 3 Fleet
Est. Contract Amount:	\$ 8,353.25	Contract or RQS Number:	RQS17D2019042400000001124
Proposed Start Date:	03/19/2019	Proposed End Date:	04/20/2019
Vendor/Provider Name, City, State	Morrison & Sylvester, Inc 1175 Minot Ave. Auburn, ME 04210		
Short Description of Good or Service:	Head Gasket Replacement for T11-359		
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>4/29/2019</u> To: <u>5/5/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190524	
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>	<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:	
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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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;		
XX	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

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.

Truck came in for a service and using antifreeze. The Tech researched the antifreeze leak and found a bad head gasket. Called around to find who could get it in for repair the quickest. Morrison & Sylvester could get it right in.

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.

With our shop being full of work and not having the right tools to do the job, the most cost-effective option was to send it out. The other shops around the area could not do the job for at least 4-5 weeks.

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**.

After calling around, Morrison & Sylvester's could get the job done at a good rate and a quicker, better timeframe. They had the required special tooling and staff to complete the job in a timely and cost-effective manner.

5. Future Competition

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

If we could convince more dealers to move into this state, it would foster more and better competition for this type of work. The other shops around the area could not do the job for at least 4-5 weeks thus limiting our choice of vendor to complete the repairs.

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.

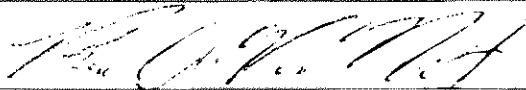
With the best access to the parts, trained staff and required specialty tools for the job, Morrison & Sylvester was the shop that could get it right in and start working on the job needed. This enabled us to get the unit back into service in a timely manner.

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:

Bruce A. Van Nite

Date:

April 22, 2019