

# 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>	Dennis Robertson Transportation crew Supervisor	<b>Office/Division/Program of Contract Administrator:</b>	MaineDOT/ M&O / Highway Maintenance and Operations
<b>Est. Contract Amount:</b>	\$50,000.00	<b>Contract or RQS Number:</b>	20190502000000001166
<b>Proposed Start Date:</b>	4/15/2019	<b>Proposed End Date:</b>	04/01/2023
<b>Vendor/Provider Name, City, State</b>	Sonetics Corp. VC0000228583 7340 SW Durham Road., Portland, OR. 97224		
<b>Short Description of Good or Service:</b>	Sonetics Corp. model APX 377 communication headsets for use in high noise area or in a mobile operation. This request is for the service, repair, calibration, parts, and labor of the APX377 communication headsets. (for state wide use)		
<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: 5/6/2019 To: 5/12/2019	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190563	
<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 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>	
		<b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		

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	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-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.

Sonetics Corp. model APX 377 communications headset used by the paint striping crews and other DOT crews working on the back of a moving vehicle or high-volume traffic work zones. This manufacturer is proprietary to the equipment for parts, service, repairs, and replacement units. They do not supply, train, or support other vendors making competition available. Without this communication, paint striping crews are brought to a halt causing severe downtime. Purchasing new units from another vendor would create multiple systems between crews, more replacement parts and service needed for multiple systems rather than one system. We need the same units for interchangeable parts, frequencies, and to keep all striping equipment the same.

**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.

No other State, Local, or Federal Agencies can supply parts needed for the headset equipment

**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**.

Where these units are proprietary to this vendor, the costs are fair and reasonable rather than marked up costs from another vendor even if they could purchase the parts/units from the manufacturer.

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**5. Future Competition**

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

The only way the department could foster competition is if the Sonetics Corp. released its proprietary oversight of their product. The amount of down time when something malfunctions is very costly and nonproductive to the department. If the entire system were to be replaced, we would put out for competitive bidding.

**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**

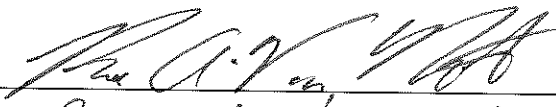
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

This manufacturer is proprietary to the equipment for parts, service, repairs, and replacement units. They do not sell to other vendors making competition available, nor can other vendors repair without the availability of replacement parts. HSE Fire and Safety Equipment in Lewiston ME is the authorized New England distributor for these headsets supplying minor replacement parts via Sonetics Corp. All repairs and servicing must be set back to Sonetics Corp. in Portland Or.

**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.

There is no emergency.

<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>	Bruce A. Van Note 5/1/19