


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:	Randy M. Bean	Office/Division/Program of Contract Administrator:	DVEM/DFE
Est. Contract Amount:	\$ 30,918.00	Contract or RQS Number:	15A 20190423*3109
Proposed Start Date:	4/22/19	Proposed End Date:	5/3/19
Vendor/Provider Name, City, State	Garland/DBS Inc 3800 East 91 st street Cleveland Ohio 44104 Phone: 216-430-3513 kherline@garlandind.com		
Short Description of Good or Service:	Replace existing EPDM Roof on Bldg. P-1 that has separated from the base due to a severe wind storm and needs to be replaced to ensure water tightness, mitigate further facility and equipment damage, and make facility safe to work in.		
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.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: 5/8/19 To: 5/14/19	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190588	
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 checked="" 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> Signature: 		
	Printed Name: Major General Douglas A. Farnham Commissioner		Date: 4/25/2019
<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: <ol style="list-style-type: none"> (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: 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		

State of Maine Waiver of Competitive Bidding Request Form

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.

We have an EPDM (rubber-glued roof) that suddenly separated from the backer board during a severe windstorm this past Tuesday afternoon. The wind ripped up in excess of 80 feet of roofing and cannot be re-used or re-glued back down as it ripped up the insulation as well. The complete roof over the motor pool area needs to have new EPDM rubber installed with new backer board. This now presents emergency issues of water running down through the roof into offices, electrical equipment, and electrical systems. This will require an immediate replacement to mitigate facilities and equipment damage and make the facility safe to work in. Recommend EPDM replacement, new backer board and flashing.

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.

Maine Air National Guard (DVEM) does not have the personnel, equipment or resources to provide emergency repairs of this magnitude. The work must be accomplished by a contractor with the available manpower, equipment and resources to accomplish this job in an emergency manner.

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**.

We have worked with the local Garland Roofing Company representative to get proposals from local contractors to make emergency repairs at the lowest cost, and the company that can react and make the repairs the quickest. Most of the Air National Guard roofs are Garland Products and Garland installed as they hold most of the warranties to all of our facilities. This is United States Air Force, federal facility and the repairs will be paid using 100% federal funds.

Recommend removing old EPDM roofing, adding new recovery board, new EPDM roofing, with Option # 2 (replace the flashing).

State of Maine Waiver of Competitive Bidding Request Form

5. Future Competition

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

During the normal bidding and procurement process, we always follow the normal requirements set forth by the State of Maine Bureau of Purchases. This job however requires emergency action as we have sand bags laying all over the roof trying to hold the rubber down. This requires immediate repair to minimize facility and equipment damage as well as making the facility safe to work in.

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

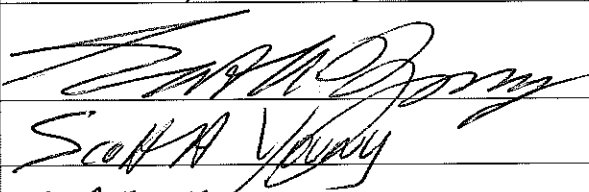
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

Emergency requirements such as this require companies that perform roofing installations and repairs as their main business process as they have the personnel, equipment and knowledge to react and perform in an expeditious manner. They also must have the knowledge and experience of which products and installation processes to use to ensure the job is done correctly and professionally to meet our long term facility requirements.

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.

This is a critical/emergency repair. We need to keep wind from ripping up more of the roof and let water down inside over lots of electrical equipment, and offices that are not water friendly. We need to make the repairs on an urgent basis to minimize the damage to the facility and the equipment.

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:	2 APR 2019