

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:	Michael Barden	Office/Division/Program of Contract Administrator:	DECD/Community Development
Est. Contract Amount:	\$50,000	Contract or RQS Number:	20180619*4018
Proposed Start Date:	7/1/18	Proposed End Date:	6/30/19
Vendor/Provider Name, City, State	Sevee & Maher Engineers, Inc PO Box 85A, Cumberland, ME 04021		
Short Description of Good or Service:	Professional Services for Operations and Engineering Support at State-owned Dolby Landfill, East Millinocket, ME		
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>5/8/2019</u> To: <u>5/14/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190592	
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 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:
<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.		
<input type="checkbox"/>	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.

Contract dollar amount for FY19/20 is being increased by \$50,000 to cover additional engineering design, construction and landfill operation expenses needed to accommodate disposal of approximately 15,000 cubic yards of dewatered sludge from the Town of East Millinocket wastewater treatment plant aeration lagoon as part of larger project to construct a new secondary wastewater treatment plan that has been designed for continued treatment of Dolby landfill leachate prior to discharge to the Penobscot River, pursuant to Maine DEP waste discharge license requirements. The Town of East Millinocket is providing a 50% cost share for the additional project work.

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.

Sevee Maher Engineering (SME) has been under contract with the State to provide operation and maintenance support for the state-owned Dolby Landfill for the past several years, pursuant to RFPs# 201402688 and 201803035, since the State does not have existing resources or expertise to undertake these tasks.

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**.

SME was selected to provide engineering support services for the state-owned Dolby Landfill through a competitive bidding process with issuance of RFP#201402688, and is currently under contract following bid selection with issuance of RFP#201803035. SME hourly expenses for engineering support are competitive with the rates provided similar Maine engineering firms.

Sr Engineer	\$135/hr
Engineer	\$115/hr
Sr Field Engineer	\$110/hr
Field Engineer	\$90/hr
CADD	\$75/hr
Technician	\$75/hr
Clerical	\$47/hr
Subcontractors are cost + 5%	

Bid proposals were offered to 3 Maine construction contractors with prior solid waste landfill experience to construct the disposal cell at Dolby. Only one contractor, Sargent Corporation, Old Town, Maine, elected to submit a bid for the work. Daily Operations support for lagoon sludge disposal is provided by a local contractor with prior Dolby landfill operations experience -Sheridan D Smith, Inc., Chester, ME

5. Future Competition

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

State of Maine Waiver of Competitive Bidding Request Form

future.

SME is in the first year of the contract period pursuant to RFP#201803035. There will be a new RFP issued for Dolby landfill engineering support services upon expiration of the initial contract period and subsequent renewal options.

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.

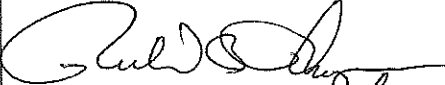
6. Uniqueness

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.

SME was selected as the winning bidder thru competitive bid solicitation RFP#201803035, and continues to provide engineering support for Dolby Landfill operations and maintenance activities under contract 20180619*4018. The additional engineering expenses are within the existing contract Rider A Scope of Services.

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:	Richard B. Thompson 4/19/19