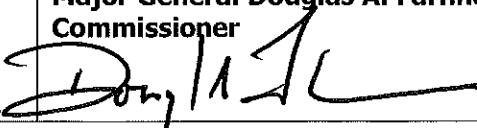
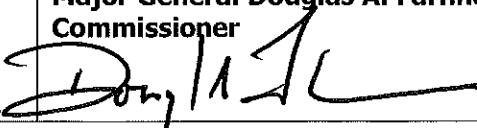
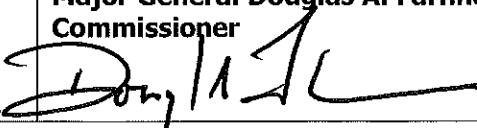


## State of Maine Waiver of Competitive Bidding Request Form

**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>	Sherrill Hallett/Contract Grant Specialist James Winchenbach/Program Manager	<b>Office/Division/Program of Contract Administrator:</b>	Department of Defense, Veterans & Emergency Management –Air National Guard				
<b>Est. Contract Amount:</b>	\$ 12,935.00	<b>Contract or RQS Number:</b>	CTISA 2019052083486				
<b>Proposed Start Date:</b>	5/20/19	<b>Proposed End Date:</b>	9/30/2019				
<b>Vendor/Provider Name, City, State:</b>		Dasco Inc, Presque Isle, Maine					
<b>Short Description of Good or Service:</b>		Provide herbicide spraying to Bangor and South Portland ANG Bases					
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.		<p style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> Posting dates on Division of <b>Procurement Services</b> website: From: <u>5/22/19</u> To: <u>5/28/19</u>					
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190699					
<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.							
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;						
<b>X</b>	<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>  <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;"><b>Printed Name:</b> Major General Douglas A. Farnham Commissioner</td> <td style="width: 40%;"><b>Date:</b></td> </tr> <tr> <td style="text-align: center;"></td> <td style="text-align: center;">16 May 2019</td> </tr> </table>		<b>Printed Name:</b> Major General Douglas A. Farnham Commissioner	<b>Date:</b>		16 May 2019
<b>Printed Name:</b> Major General Douglas A. Farnham Commissioner	<b>Date:</b>						
	16 May 2019						
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 of Maine Waiver of Competitive Bidding Request Form

	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:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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;
	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.

The Air National Guard Bases located in Bangor and South Portland, Maine require spraying of all fencelines and areas to maintain inner and outer perimeter security for force protection as well as to meet mission/regulatory requirements. Additionally, areas are sprayed to minimize BASH (Bird Aircraft Strike Hazards) from birds interfering with aircraft landings and take offs which is regulated by the FAA or be fined for not maintaining aircraft safety standards. Last but not least is that we spray many areas to eliminate weed whacking of plant life so as to minimize carpel tunnel injuries to our ( 3 ) person maintenance staff, which allows more time on mowing machinery to keep up with the large amount of acreage that we maintain.

**State of Maine  
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**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.

The State of Maine DEP requires herbicide applicators to have State of Maine DEP licensed applicators and a person with a Master Applicators License on hand to monitor them during the spraying process. We would also need to have all the proper equipment/vehicles for mixing and applying the chemical compounds. We have none of these available. It is not worth the liability and better to use trained/licensed professionals.

**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**.

Total cost per one year is \$12,935.00.

Department feels price is fair and reasonable as low bid for Request for Proposal was \$10,805.00.

Recommend awarding based on the increase for 2019 and putting back out to bid for multiyear contract next year.

**5. Future Competition**

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

We followed proper purchasing requirements, guidelines, sought competitive bids. We will continue to do so in the future.

**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.

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Spraying of Herbicides is regulated by the Department of Environmental Protection. Only State of Maine licensed personnel can apply and track these types of products. Herbicides that are used on United States Air Force / Air National Guard Property are regulated by the Environmental/Pest Management Board of the National Guard Bureau. So yes, there are only specific vendors with properly licensed personnel that can do the job.

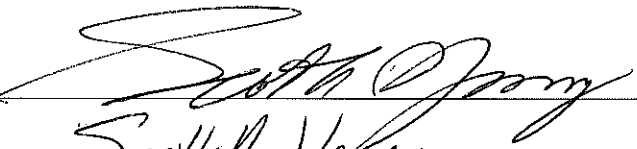
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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.

We have gone through the formal State of Maine, Division of Procurement bidding process. Unfortunately, the winning bidder did not attend the site visit because it was not mandatory in the RFP. The contractor is now claiming they need an increase to do the job because they were unaware of the size of the job. The site visit should have been mandatory to prevent contractors from backing out of their bids. At this point, we need to start spraying over the next week or we will be too far behind schedule. This is now an emergency. Recommend awarding the increase to the present contractor for this year only and put back out to bid for multiyear contract next year. The amount of the additional requirement is still below the competitors bid.

**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:**

Scott N. Young

**Date:**

5/16/19