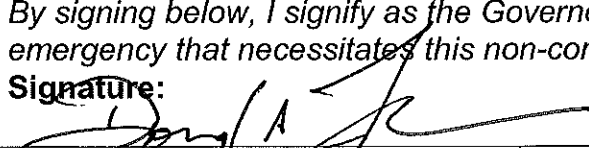


**State of Maine  
Waiver of Competitive Bidding Request Form**

**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>	Randy M. Bean	<b>Office/Division/Program of Contract Administrator:</b>	DVEM/DFE
<b>Est. Contract Amount:</b>	\$ 16,614.00	<b>Contract or RQS Number:</b>	15A 20190528*1001 (BPO)
<b>Proposed Start Date:</b>	4 June 2019	<b>Proposed End Date:</b>	31 October 2019
<b>Vendor/Provider Name, City, State:</b>		Emery Lee & Sons 936 Central Street Millinocket, ME 04462 Phone: (207)723-8051	
<b>Short Description of Good or Service:</b>		Culvert installation material	
<p>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>		<p><b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>5/30/19</u> To: <u>6/5/19</u></p>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190786	
<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;		
X	<p>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.</p>	<p>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</p> <p><b>Signature:</b> </p> <p><b>Printed Name:</b> Major General Douglas A. Farnham</p>	
		<b>Date:</b>	29 May 19

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	<p>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;</p>
	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<p>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:</p> <p style="margin-left: 20px;">(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;</p> <p style="margin-left: 20px;">(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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></p>
	<p>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;</p>
	<p>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.</p>
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>

**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 Maine Army National Guard is scheduled to conduct annual training for certain units that consists of installing four (4) culverts at the Woodville Training Site facility. This is scheduled to be performed at the beginning of June 2019. The provided list of materials is required to complete this task/training.**

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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.

This purchase was advertised using proper State of Maine procedures, which is a Request for Quote. We received one bid for several items. The cost of these bids were well above the estimated cost. (see attachment) The Department has only found one provider of the Gravel and Mulch to provide a bid. The Department has received one other bid for material other than gravel mulch and hay.

**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**.

The bid by the contractor who can also supply the gravel, mulch and hay meets or beats the cost of all other bids for the materials on the request. We would like to execute a purchase order to this vendor for all of the Departments' requirements. The Department believes the total cost as well as the cost of transporting materials to the work location by purchasing all the materials from the one vendor is the most efficient and cost effective approach..

**5. Future Competition**

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

The Department met all required competition requirements for these materials as well as providing additional competition by requesting bids directly from multiple vendors. Should the Department need to acquire more of this type of commodity, we would put it out to bid through the proper method described by State policy.

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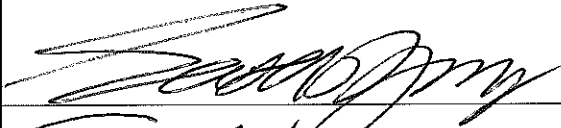
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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.

Due to the Department using multiple State procedures to acquire the material it has taken longer than the expected time frame to secure these materials. Annual Drill begins 01 June 2019 and the Department would like to have all the material ready for the units to use, preventing loss of training time and wasting government resources. These materials are critical assets for the unit's training requirements.

**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 A. YOUNG

**Date:**

May 29, 2019