



## PROCUREMENT JUSTIFICATION FORM (PJF)

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

*INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services intranet site (Forms page) for additional instructions.*

PART I: OVERVIEW			
Department Office/Division/Program:	Department of Environmental Protection Division of Response Services Central Maine Regional Office (CMRO)		
Department Contract Administrator or Grant Coordinator:	Nina M. Caputo		
(If applicable) Department Reference #:			
Amount: (Contract/Amendment/Grant)	\$ \$50,000.00	Advantage CT / RQS #:	CT # 20230309*2296
<b>CONTRACT</b>	Proposed Start Date:	<b>3/25/2023</b>	Proposed End Date: 3/25/2024
<b>AMENDMENT</b>	Original Start Date:		Effective Date:
	Previous End Date:		New End Date:
<b>GRANT</b>	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:	Environmental Projects Inc. Auburn, ME 04210		
Brief Description of Goods/Services/Grant:	Regularly scheduled hazardous waste storage clean-out		

PART II: JUSTIFICATION FOR VENDOR SELECTION			
Check the box below for the justification(s) that applies to this request. (Check all that apply.)			
<input type="checkbox"/>	A. Competitive Process	<input type="checkbox"/>	G. Grant
<input type="checkbox"/>	B. Amendment	<input type="checkbox"/>	H. State Statute/Agency Directed
<input checked="" type="checkbox"/>	C. Single Source/Unique Vendor	<input type="checkbox"/>	I. Federal Agency Directed
<input type="checkbox"/>	D. Proprietary/Copyright/Patents	<input checked="" type="checkbox"/>	J. Willing and Qualified
<input type="checkbox"/>	E. Emergency	<input type="checkbox"/>	K. Client Choice
<input type="checkbox"/>	F. University Cooperative Project	<input type="checkbox"/>	L. Other Authorization

Please respond to ALL of the questions in the following sections.

### PART III: SUPPLEMENTAL INFORMATION

1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

The Division of Response Services is responsible for the emergency clean-up and remediation of hazardous material discharges. This responsibility also includes the appropriate storage of recovered or unspilled product. Division staff frequently collect hazardous materials from spill sites and transport it to their regional office's hazardous waste storage for later disposal. When possible, Division staff will leave hazardous materials with responsible parties, as is the case with most commercial or industrial spills. However, this is not possible when the responsible party is unknown or does not have appropriate storage facilities. Common examples include:

- **Fire Stations Drops** – Local Fire Departments are the frequent recipients of hazardous materials dumpings, with Fire Fighters finding chemicals abandoned at their facilities overnight. These typically include but are not limited to acids, bases, and pesticides
- **Unknown chemicals collected from dumping sites** – Division staff responded to Township E in the summer of 2022, finding the water-reactive Calcium Carbide had been abandoned in the woods alongside a handful of unknown and unlabeled chemicals. These incidents are not uncommon.
- **Hazardous Materials found while cleaning out old homes** – Elemental mercury, asbestos tiles, and lead paint are commonly found in the basements and attics of older homes, remnants of the time before these materials were regulated.
- **Petroleum products** – Division staff most commonly collect motor fuels and petroleum products from compromised storage and supply tanks.

06-096 Code of Maine Rules, Chapter 851, § 8 (B)(3) - Pre-Transport Requirements allows for the accumulation of hazardous waste for ninety (90) days or less without a license. In order to adhere to our own Department rules, it is paramount the collected materials but disposed of on a quarterly basis.

However, staff in the Division of Response Services are frequently dispatched at inopportune times, interrupting administrative work and potentially occupying a Responder's work schedule for days, sometimes weeks, at a time. This makes adherence to the 90-day-rule difficult. Having a contractor already scheduled and with the appropriate disposal profiles at the ready would streamline the process.

2. Provide a brief justification for the selected vendor to supplement the response in Part II. Reference the RFP number, if applicable.

Prior to 2022, EPI was CMRO's preferred contractor for hazardous waste removals; the only issue being the Division of Response Service's staff inconsistent availability repeatedly affecting the 90-day removal requirement. In 2022, the Division staff attempted to remedy this issue with a scheduled pick-up contract . A Request for Bids was completed; EPI is not on the pre-approved vendors list for Petroleum and Hazardous substances and therefore could not bid.

Although the vendor awarded the contract in 2022 completed all requested pick-ups, Division staff noted several difficulties:

- **Contracted vendor was not adaptable:** The vendor was unable to accommodate additional waste. Any material that was *not* included in the quarterly inventory was left behind. Sudden accrual of hazardous materials is frequent in the field of emergency response..
- **Contracted vendor did not lessen Administrative Tasks:** The intent of the contract was to lessen the administrative and organizational work required to get the hazardous materials storage unit cleaned out. The hope was to eliminate the delays caused by emergency response demands. However, the contracted vendor required the inventory was submitted in a specific format and required far more assistance in creating the disposal profiles.

**PART III: SUPPLEMENTAL INFORMATION**

- **Contacted vendor repeatedly forgot materials:** Several items that were supposed to have been removed for disposal, that were successfully inventoried, and included on the disposal profiles were left behind.

When the CMRO staff used EPI as on-request contractor, the inventory process was easier and the storage unit would be completely emptied, as EPI was always able to adapt to additional materials (or if they couldn't, they scheduled a return visit). EPI was and is the CMRO office's preferred contractor for their quick response, their thoroughness and the ease of setting up services. EPI has also expressed great enthusiasm for potentially taking on this contract.

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

Environmental Projects, Inc. (EPI) frequently works with the Division of Response Services and has long submitted an annual rate sheet. Like all contractors that are hired by the State of Maine, the Department of Environmental Protection is given specialty pricing, which is typically cheaper than the commercial rates. The 2023 EPI rate sheet is attached.

Additionally, this request was already submitted through the Request for Bids (RFB) process and received no bids from the pre-approved vendors (ACV, US Ecology, and Environmental Restoration).

The amount requested in the contact is NOT EPI's fee, but anticipated spending. Please understand this is a high estimate. Sometimes quarterly clean-outs have been less than \$2,000. In other instances, the a single hazardous material const \$8,000 (the Calcium Carbide from the Township E in 2022)

4. Describe the plan for future competition for the goods or services.

Each year the work completed will be reviewed and assessed, just as the year 2022 was reviewed. Concerns were identified and this Procurement Justification is a reflection of that review and the Division's attempt to improve. This will be conducted again at the conclusion of 2023.

**PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)**

Does this request utilize ARPA/MJRP funds?

Yes – If Yes, please attach the approved Business Case(s).

No – If No, proceed to Part V.

**PART V: APPROVALS**

The signatures below indicate approval of this procurement request.

Signature of requesting  
Department's Commissioner  
(or designee):



Typed Name:

David Madore for Melanie Loyzim

Date:

Apr 19, 2023

Procurement Justification Form (PJF)

Signature of DAFS Procurement Official:	DocuSigned by: <i>Martha Verhille</i>		
Typed Name:	891CE7A1493D45B... Martha verhille	Date:	5/12/2023