

# 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>DHHS/DCM Contract Administrator:</b>	Chris Moiles	<b>Office/Division/Program of Contract Administrator:</b>	DHHS, MeCDC, DS, HETL, Sue Dowdy
<b>Est. Contract Amount:</b>	\$ 52,236	<b>Contract or RQS Number:</b>	10A 20190531*1301
<b>010-10A-014301-2306-7206</b>		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	CD0-19-54CAP2
<b>Proposed Start Date:</b>	NA	<b>Proposed End Date:</b>	NA
<b>Vendor/Provider Name, City, State</b>	Getinge USA, Inc 1777 East Henrietta Road, Rochester, NY 14623-3133		
<b>Short Description of Good or Service:</b>	Purchase of a washer to replace Getinge model #8666 Washer/Disinfector that has been decommissioned.		
<b>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.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>06/04/19</u> To: <u>06/10/19</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620190806	
<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.			
<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> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<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 Purchases "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>		
<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-		

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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 purchase of this Getinge 8666 washer would be a replacement for one of the two Getinge model 8666 washers that the laboratory currently employs for cleaning and disinfection of glassware. In January 2019, washer serial #81703 was unable to be repaired and had to be taken out of service. Both washers are over twenty years old, so it is critical to get a replacement since HETL is relying on only one twenty-year-old washer to disinfect the glassware for the entire laboratory (all of HETL).

Effective washing and disinfection of glassware is necessary to prevent infections that could compromise patient and staff safety from surfaces that can carry high levels of contamination that can lead to biofilm, bioburden, and contaminants. All glassware must be cleaned and decontaminated to prevent the spread of deadly diseases. All glassware must also be cleaned and decontaminated of chemicals that are harmful if they come in contact with skin.

## 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.

Purchasing the replacement washer/disinfector from Getinge allows all the Getinge accessories/parts for HETL's current model 8666 serial #81704 to be used interchangeably for the proposed purchased model representing a savings in space and resources. If HETL were to purchase another make/model from another company all accessories and parts would need to be purchased separately for an additional cost.

Getinge USA is the sole source supplier of factory authorized OEM replacement parts and accessories and their field service team is held to a higher standard.

## 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 Department has determined that the cost of the Getinge model 8666 washer services is fair and reasonable by comparing prices for similar products from other companies and factoring in the costs of the necessary accessories that would meet the laboratory's needs.

## 5. Future Competition

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

N/A

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**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.

Getinge is unique in that the HETL purchased these fixed assets from this vendor and no other agency, operation, or vendor will ever be able to work on any of the equipment purchased without compromising all warranties and service.

For medical devices classified as Class II, a 501K clearance is necessary in order to market the product in the US. This clearance requires compliance to the CFR, Part 820 Quality System Regulations (QSRs).

Getinge USA Service is the sole-course for OEM trained and certified technicians to perform scheduled and unscheduled maintenance on Getinge equipment.

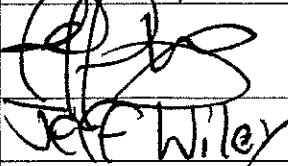
### 7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

N/A

**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:**

Jeff Wiley

**Date:**

30 MAY 2019