

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.

DHHS/DCM Contract Administrator:	Chris Moiles	Office/Division/Program of Contract Administrator:	DHHS, MaineCDC, DS, HETL, Sue Dowdy
Est. Contract Amount:	\$ 66,093	Contract or RQS Number:	10A 20190523*1283
Funding 013-10A-2656-03-7206-ELCLAB-F2018		Purchasing Maine ID:	VS0000001216
		DHHS Agreement Number:	CD0-19-54CAP1
Proposed Start Date:	5/24/2019	Proposed End Date:	6/30/2019
Vendor/Provider Name, City, State	The Baker Company 175 Gatehouse Road Sanford, ME 04073		
Short Description of Good or Service:	This request is to purchase Six (6) Sterilgard Biosafety Cabinets which are used to balance the airflow in the laboratory, prior to work. Each room is specifically designed for the diagnostic testing of Bacteriology, Virology, Tuberculosis, or Select Agents.		
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 Procurement Services website: From: <u>6/04/19</u> To: <u>06/10/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190812	
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.			
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;		
	<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:
X	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;		
	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,</i>		

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	<p><i>found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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>
<p>Please note that the following four points below (#2 through 5) all require a response.</p>	
<p>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.</p>	
<p>HETL is moving to a new facility in Augusta, Maine. Construction is slated to be finished in the fall of 2020. HETL's six (6) Biosafety Cabinets currently used are between ten (10) and twenty (20) years old. They will not be moving to the new laboratory. The Biosafety Cabinets are needed to balance the airflow in the laboratory, prior to work. Each room is specifically designed for the diagnostic testing of Bacteriology, Virology, Tuberculosis, or Select Agents. These Biosafety Cabinets are required by the Clinical Laboratory Improvement Amendments (CLIA), CDC and OSHA when working with BSL-2 and BSL-3 categorized organisms in order to protect the employee from being exposed to infectious agents.</p>	
<p>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.</p>	
<p>Sufficient staffing, resources, or expertise is not available within the State of Maine's government.</p>	
<p>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.</p>	
<p>a. The federal CDC/FDA in many cases sets the rules and guidelines in the form of Standard Operating Procedures. In order to provide diagnostic testing to the State of Maine HETL must follow the guidelines instituted by the federal CDC/FDA. Therefore, HETL has purchased and currently maintains the equipment required to run CDC/FDA approved diagnostic tests.</p> <p>b. HETL has asked manufacturers for discounts, due to its status as a nonprofit, governmental organization (public health laboratory).</p>	
<p>5. Future Competition Please describe potential opportunities which may be available to foster competition for these goods or services in the future.</p>	
<p>In the future, as these biosafety cabinets exhaust their useful life, HETL staff will again evaluate manufacturers and consult with other laboratories to determine if there are new technologies, better designs, which are better/worse than others. If there are multiple vendors who meet the criteria needed by the lab, a competitive bid process will be conducted.</p> <p>This BP37WCB will be posted on DAFS website for seven (7) days, which will offer opportunity for other vendors to participate in the State's competitive process.</p>	

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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.

These biosafety cabinets dimensions, size and make are the exact dimensions needed for our new laboratory, where the blueprints have already been created and submitted to the bidders. Baker is a Maine company, making repair and travel cost lower in the future. The quality brought by Baker cannot be compared to any other sources that construct Biosafety Cabinets.

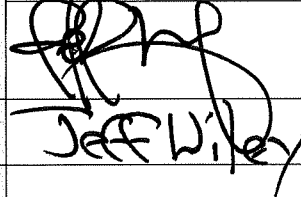
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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:

23 MAY 2019