


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.

Requesting Department's Contract Administrator:	Celeste Poulin, Division Director	Office/Division/Program of Contract Administrator:	DACF/Quality Assurance and Regulations
Est. Contract Amount:	\$20,000.00	Contract or RQS Number:	2019053*3620
Proposed Start Date:	June 3, 2019	Proposed End Date:	June 30, 2021
Vendor/Provider Name, City, State:		Vista Analytical Laboratory, 1104 Windfield Way, El Dorado Hills, CA 95762	
Short Description of Good or Service:		Laboratory testing for presence of PFC chemicals in dairy products	
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>6/5/2019</u> To: <u>6/11/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190840	
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.			
<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;		
<input checked="" type="checkbox"/>	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.	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. Signature:  Printed Name: Amanda E. Beal Date: 5/31/19	
<input 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;		

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	<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>(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>(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: 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>

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.

Perfluorinated compounds (PFCs) have been used in a wide variety of manufacturing processes and consumer goods since the 1950's. PFCs have been associated with a number of health concerns including developmental, carcinogenic, hepatic, and immune system impacts. These compounds are common in sludge that was spread on farms and fields throughout Maine. They have been measured in soil at a number of sites including dairy farms. The Maine Dept. of Environmental Protection and Drinking Water Program are currently pursuing drinking and groundwater testing throughout Maine.

As these results return, the Bureau of Agriculture, Food, and Rural Resources (DACF) is being alerted to farms, some licensed dairy producers, that have unsafe amounts of these chemicals in their soil and water supply. It is imperative that DACF has the ability to test for a particular PFC compound in milk destined for the general food supply. DACF would like to begin this process by testing Maine's current retail milk supply. This will entail testing an estimated 30 samples. Thereafter, testing will continue on a farm-by-farm basis.

Notably, the Governor created a Task Force that is charged with studying the effects of these chemicals in Maine, and DACF is an active member of that effort. Having robust and recent test

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results regarding the state's milk supply is critical to this

After contacting all laboratories approved for testing by the DEP, the Bureau has determined that Vista is the only laboratory that provides results within the reporting detection limit (RL) deemed safe and acceptable by the Dairy Program.

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 does not have a laboratory with the ability to test for PFOs.

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**.

Five laboratories were contacted. Three responded as able to complete the testing. Rates and turnaround time were comparable for all.

5. Future Competition

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

As PFCs become a more widely recognized concern, DACF anticipates having more testing resources available with proven track records.

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.

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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.

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.

It is imperative that the Bureau begin testing suspect milk products immediately. VISTA Analytics is the only laboratory that DACF has experienced as providing accurate, timely testing for PFC's in milk. DACF is participating in Governor Mills' Task Force and needs the results of the retail milk testing prior to the next meeting on June 27.

<p>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</p>	<p><i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i></p> <p><i>Amanda E. Beal</i></p>
<p>Printed Name:</p>	<p>Amanda E. Beal</p>
<p>Date:</p>	<p>5/31/19</p>