

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:	Lt Bruce Scott (Amy Gower)	Office/Division/Program of Contract Administrator:	Public Safety- Maine State Police
Est. Contract Amount:	\$ 15,000.00	Contract or RQS Number:	CT-16A-20190528*3590
Proposed Start Date:	07/01/2019	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State:		Maine Instrument Flight Augusta ME 04330	
Short Description of Good or Service:		Aircraft Maintenance	
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# 0620190851	
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;		
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;		
X	<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: _____

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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.

The Maine State Police houses one of its Aircraft at the Augusta Airport due to geographic requirements and where there is an on-site Maintenance facility. Aircrafts require mandated inspections and because the aircraft is co-located with the maintenance facility, general maintenance can be accomplished on the aircraft, scheduled inspections can be performed, and unscheduled work can be performed without the need to have the pilots at that location.

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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.

There are no resources within the State of Maine government or other governmental entities that provide this service.

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**.

Because of where the Aircraft is permanently based and the fact that there is only one vendor at the site, it would be unrealistic and costly to attempt to move the aircraft to a different location to have the work accomplished. Because of where the aircraft is co-located with the maintenance facility, work can be accomplished on the aircraft, scheduled inspections can be performed, and unscheduled work can be performed without the need to have the pilots at that location. Historically, annual maintenance results in expenses ranging from \$3000 to \$7000. Other periodic expenses are generally less than \$1000. It is impossible to determine an exact amount needed as the costs are determined by what is found during the inspection. The cost to fly the aircraft to another location for maintenance would incur additional expenses such as aircraft fuel, transportation or travel expenses for the pilot.

5. Future Competition

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

The location of the aircraft housing is contingent with the use of the aircraft and the geographic areas in which the plane is used. Because of where the Aircraft is permanently based there would be no competitive bidding requested unless the housing location changed. However any large items needed, ie: new motors or structural parts would be quoted out.

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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.

This is a unique situation with the aircraft because it is located at a site where there is a facility qualified to do the work on them. It would be unrealistic to have to move the aircraft to another facility to have the work done. This is especially true for situations where the aircraft can't be moved due to safety or mechanical reasons.

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.

**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:

Michael J. Sauschuck

Date:

6-4-19