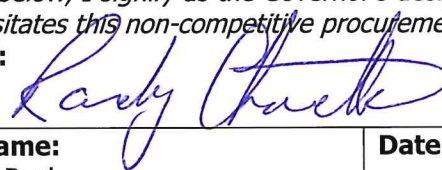


State of Maine Waiver of Competitive Bidding Request Form

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: | Robert G. Marvinney | Office/Division/Program of Contract Administrator: | Department of Agriculture, Conservation and Forestry/Maine Geological Survey |
| Est. Contract Amount: | \$ 9,450.00 | Contract or RQS Number: | CT-01A-20190606*3723 |
| Proposed Start Date: | June 21, 2019 | Proposed End Date: | July 31, 2019 |
| Vendor/Provider Name, City, State | Woods Hole Oceanographic Institute, Woods Hole, MA | | |
| Short Description of Good or Service: | C14 radiometric dating of organic materials | | |
| 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>6/10/2019</u> To: <u>6/16/2019</u> | |
| Notice of Intent to Waive Competitive Bidding Number: | | NOI# 0620190922 | |
| 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 Procurement Services 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: 6/7/19 | |
| <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; | | |
| <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; | | |
| 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 . | | | |
| <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-competitive procurement, please provide that reference here: | | |

State of Maine Waiver of Competitive Bidding Request Form

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.

As part of the agency's responsibilities to understand geological hazards, the Maine Geological Survey is investigating pre-historic landslides that have been newly identified in southern Maine. This is a cooperative effort with the Maine Emergency Management Agency as part of the process to update the State Hazard Mitigation Plan with funding from the Federal Emergency Management Agency. A key element of the landslide investigation is to establish the time frame during which the prehistoric landslides occurred. For that purpose, organic-rich geological materials have been sampled in each of the landslide features under investigation. The ages of these organic-rich materials may be determined through the Carbon-14 method of radiometric data. This contract will cover Carbon-14 for a minimum of 10 samples and up to 25 samples.

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.

Carbon-14 radiometric dating requires specific lab facilities, advanced equipment, and trained staff none of which are available in this Department or any other in Maine State government.

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**.

Staff from the Maine Geological Survey contacted several of the labs in the United States with capabilities to carry out Carbon-14 radiometric dating. The Woods Hole Oceanographic Institute had the lowest cost and the best service of the labs contacted.

5. Future Competition

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

There are other labs in the United States that can carry out Carbon-14 radiometric dating, but their costs were higher than Woods Hole.

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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.

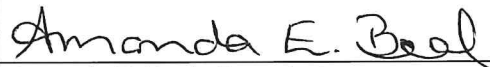
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

The Maine Geological Survey has samples that are ready to be processed immediately and Woods Hole Oceanographic Institute currently has capacity. The timeframe between the date of notification to move ahead with FEMA funding on this additional work to the date when the funding expires (7/31/19) is very short. The wet field season thus far has delayed efforts to collect suitable materials for dating until early June. Thus, we require quick turn-around on samples before funding expires. Failure to complete the analyses in this timeframe will unnecessarily delay the field season and may jeopardize funding from the Federal Emergency Management Agency. The Maine Geological Survey has used this lab before with excellent, timely results.

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:

Amanda E. Beal, Commissioner

Date:

6/6/19