

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:	Brian Burne Highway Maintenance Engineer	Office/Division/Program of Contract Administrator:	MaineDOT - Maintenance and Operations
Est. Contract Amount:	\$ 16,460	Contract or RQS Number:	RQS2019061300000001346
Proposed Start Date:	5/30/2019	Proposed End Date:	6/30/2019
Vendor/Provider Name, City, State:		CA Newcomb & Sons VC1000011794 P.O. Box 206 Carmel, ME 04419	
Short Description of Good or Service:		CASS Cable Guardrail System Parts	
<p>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.</p>		<p>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: 06/14/2019 To: 06/20/2019</p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190979	
<p>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.</p>			
<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"/>	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;		
<p><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></p>		<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p>	
		Printed Name:	Date:

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	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, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>
	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;
	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.
	If a different authorization specifically allows for this non-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 guardrail parts contract expired last year. Due to uncertainty with the tariffs and steel pricing, our vendor had recommended holding off on re-advertising the contract. After consulting with Purchases, we agreed that it was the best course of action to hold off until the pricing stabilized. Over the course of the winter, we incurred damage in several sections of the Cass Cable Guardrail system in the Bangor area. This damage needs to be repaired and the Cass parts are supplied by CA Newcomb, who was the prior guardrail parts vendor.

It should also be noted that we will also be re-advertising the parts contract in a few weeks, as it appears that pricing is now stabilizing enough for vendors to reasonably estimate their costs.

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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.

Not applicable

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 prices are comparable to the pricing under our prior parts contract, with further consideration of the recent cost increases on all guardrail components.

5. Future Competition

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

This guardrail parts contract will be going back out to bid soon.

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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.

CA Newcomb is the parts supplier for this system and was also the only bidder for these parts the last time they went out to bid. Considering that the current guardrail parts bid items will need to be updated to accommodate the newest MASH parts that have recently been approved for use, and that the overall advertise and award period would otherwise add a significant delay to the actual guardrail repair, we have concluded that it is in our customer’s best interest to make these repairs ASAP as opposed to waiting until the overall parts contract can be put in place.

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:

Bruce A. Van Note

Date:

6/13/19

C.A. Newcomb & Sons

Approved by Jeff Lary
Code 9055-99-137

Invoice

P.O. Box 206
Carmel, Maine 04419
Phone: 207-848-2795
Fax: 207-848-2903

MAY 31 2019
71404 21162.19
VC 1000011794

Date	Invoice #
5/30/2019	22256

Bill To
MDOT Region # 4 219 Hogan Road Bangor, Maine 04401

Ship To
Pick up- Per Jeff Lary

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30		5/30/2019			Material
Quantity	Item Code	Description			Price Each	Amount
200	Guardrail Material	CASS POST			72.32	14,464.00
4	Guardrail Material	CASS CRP UPPER POST			228.25	913.00
100	Guardrail Material	CASS POST STRAP			5.28	528.00
100	Guardrail Material	CASS BLACK SPACER			5.55	555.00
					Total	\$16,460.00