

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:	\$ 41,000	Contract or RQS Number:	20190621*1368
		Purchasing Maine ID:	VC1000074502
		DHHS Agreement Number:	CD0-19-5426
Proposed Start Date:	05/1/2019	Proposed End Date:	04/30/2022
Vendor/Provider Name, City, State	Mettler-Toledo Rainin, LLC 7500 Edgewater Drive, Oakland, CA 94621		
Short Description of Good or Service:	This request is for a 3-year master agreement with Mettler-Toledo Rainin, LLC. This vendor supplies Rainin Ergonomic Pipettes and BioClean Tips.		
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>6/24/2019</u> To: <u>7/1/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620191053	
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, 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.		

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If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	
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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.

BioClean tips are specific to Rainin ergonomic pipettes. They are uniquely made to fit only into Rainin ergonomic pipettes. Mettler-Toledo Rainin LLC is the only vendor that can support both the BioClean tips and Rainin ergonomic pipettes at this time. VWR International, LLC and Fisher-Scientific confirmed that they do not support these specific BioClean tips for Rainin ergonomic pipettes. All testing conducted in the Microbiology section of HETL relies on small measurements that are made with these specific pipettes and pipette tips, such as 300µL, 500µL, 200µL, and 1000µL. Without pipettes, HETL would not be able to get accurate measurements of tiny amounts needed for HETL's testing procedures, which are required of Clinical Laboratory Improvement Amendments (**CLIA**). The Centers for Medicare & Medicaid Services (CMS) regulates all laboratory testing (except research) performed on humans in the U.S. through the Clinical Laboratory Improvement Amendments (**CLIA**).

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.

- a) HETL is the reference contract laboratory that hospitals, physicians and external laboratories count on for performing complex testing in the State of Maine. Use of the appropriate kits, reagents, and supplies with these instruments is necessary, to comply with and to follow CDC/FDA guidelines.
- b) HETL is the State of Maine's Health and Environmental Testing Laboratory, and the sole source of the state to provide such services.
- c) Providing rapid test results to Maine CDC is of the utmost importance, to allow the epidemiologists to conduct contact investigations quickly, thereby reducing the spread of the disease as well as the disease burden. Rapid test results for operating under the influence "OUI" program allow for convictions to occur, in a timely manner.

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**.

HETL has asked manufacturers for discounts due to its status as a nonprofit, governmental organization (public health laboratory). Mettler-Toledo Rainin, LLC has given HETL a 10% discount. The total estimated cost for the 3-year duration of the Master Agreement is based on past purchases from the vendor and anticipated need.

5. Future Competition

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

As future vendors expand their manufacturing to include such items, as is needed by the laboratory, HETL will ensure that comparisons are made, to determine the lowest price, with product quality a consideration as well.

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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.

The BioClean tips are the only tips that work correctly with the Rainin Ergonomic Pipettes. They are uniquely designed to fit into the pipettes for accurate measurements of small quantities.

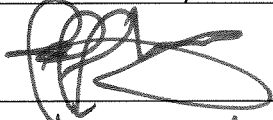
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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