

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, MeCDC, DS, HETL, Sue Dowdy
Est. Contract Amount:	\$67,500	Contract or RQS Number:	20190621*1366
013-10A-2542-03-2542BTC2 5606 F2017		Purchasing Maine ID:	
		DHHS Agreement Number:	CD0-19-5431
Proposed Start Date:	3/4/2019	Proposed End Date:	3/3/2022
Vendor/Provider Name, City, State	Quality Environmental Containers (QEC) - VS0000004592 607 Industrial Park Road, P O Box 1160 Beaver, WV 25813		
Short Description of Good or Service:	This request is for a three-year master agreement with QEC. This is to provide sample containers required to meet the US EPA's specifications for contaminant free sample containers that have already been tested by HETL. Containers are for use in the analysis of samples.		
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# 0620191054	
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>		

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	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.

These sample containers are required to meet the US EPA's "Specification and Guidance for Contaminant Free Sample Containers".

The laboratory determined these products to be critical due to the nature of the work and the EPA and mandated procedures that quality system and analytical reference materials used in the analysis of these samples meet the standards established by the EPA Quality Control Guidelines.

QEC provides over 600 types of pre-cleaned, tested (independently) sample containers with certified lao numbers and provides analytical proof of quality.

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 HETL staff and/or any other agency within state government does not have the resources or ability to pre-clean and certify these sample containers in house and cannot manufacture these specialty products in a consistent and certifiable 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**.

The HETL determined the costs of these certified containers to be fair and reasonable by comparing a quality of commercially available materials from other vendors. HETL has tested other containers from other vendors and found contaminants in those vials. QEC has proven to be of high quality mandated by the EPA and mandated procedures.

5. Future Competition

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

As stated above, HETL has tested a variety of containers from outside sources and has proven in testing analysis that QEC has the best quality of EPA mandated materials and certified reference materials that are used nationally by environmental laboratories. Not all vials and containers are available from a single vendor nor do those provide the "required" documentation of quality.

It is imperative that the HETL have access to a variety and comprehensive source of pre-cleaned containers to be traceable. QEC provides the most comprehensive menu of certified sample bottles.

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.

Quality Environmental Containers (QEC) supports each product produced with a comprehensive Certificate of Analysis (COA). QEC COA's for fully certified materials include uncertainty information in accordance with ISO Guide 34 and ISO/IEC 17025 and traceability information for satisfaction of regulatory requirements. They also provide full details of all analyses including acceptance criteria and actual results for over 600 types of containers.

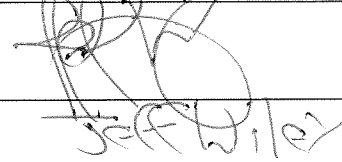
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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:

1 June 19