

**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:	Jennifer Eberly, Program Manager	Office/Division/Program of Contract Administrator:	DACF/QAR/MMPI
Est. Contract Amount:	\$20,000.00	Contract or RQS Number:	CT 01A 20181115*1664
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2021
Vendor/Provider Name, City, State:		State of Wisconsin, Department of Agriculture, Trade, and Consumer Protection Madison, WI	
Short Description of Good or Service:		Laboratory testing that meets USDA "same as" standards for meat and poultry establishments in the Cooperative Interstate Shipment (CIS) program.	
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> Posting dates on Division of Procurement Services website: From: <u>6/26/2019</u> To: <u>7/2/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# <u>0620191083</u>	
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 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 type="checkbox"/>	<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:	
<input type="checkbox"/>		Printed Name:	Date:
<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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		

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Waiver of Competitive Bidding Request Form**

	<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.

State of Maine DACF entered into a new cooperative agreement with the USDA-FSIS that will allow selected State of Maine slaughterhouses and processors to sell their products out of state. As part of the agreement, the State of Maine must meet "same as" standards in their laboratory testing of samples from these selected establishments. The current laboratory that DACF uses in Maine only meets "at least equal to (ALET)" standards. The State of Wisconsin laboratory was selected because they are the only laboratory with the capacity to handle the number of samples we would request.

**State of Maine
Waiver of Competitive Bidding Request Form**

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.

Upon reviewing program needs in regards to the Cooperative Interstate Shipment (CIS) cooperative agreement with USDA, it was determined that the State of Maine, or any labs in-state, cannot perform the tests or handle the capacity needed to comply with the Agreement. The State of Wisconsin laboratory is the only option in the United States that will meet the capacity for testing Maine's "same as" samples.

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 rates quoted by the State of Wisconsin laboratory for "same as" samples are less expensive than those DACF current pays to the private lab in contracts with in Westbrook for its ALET samples. ALET samples are generally cheaper to perform than "same as" samples as well.

5. Future Competition

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

If other states or private companies decide to develop a laboratory program that meets "same as" standards, that will be a good opportunity to cost compare.

State of Maine Waiver of Competitive Bidding Request Form

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.

State of Wisconsin laboratory is the only laboratory with the resources and capacity to accept Maine’s samples to perform lab services to comply with USDA’s “same as” standards for the Cooperative Interstate Shipment (CIS) program, which would allow select slaughterhouses and processors to sell their product out of state.

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:

Date:

Randy Chacek
Randy Chacek
6/25/19