

5/15/19
PM-16631

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:	Cathy Severance	Office/Division/Program of Contract Administrator:	DOE – Educ In The Unorg Territories				
Est. Contract Amount:	\$6,008.00	Contract or RQS Number:	RQS#05C20190515*1242				
Proposed Start Date:	05/15/19	Proposed End Date:	05/15/19				
Vendor/Provider Name, City, State:	Hallowell's Family Parts and Repairs 354 US Route 1, Pembroke, ME 04666						
Short Description of Good or Service:	Trade of 2 Uninspectable Old buses for Parts & Purchase of 2010 Thomas Lift School Bus to replace bus with burned engine & brain.						
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 <i>Procurement Services</i> website: From: <u>6/28/2019</u> To: <u>7/4/2019</u>					
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0620191109						
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;							
<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: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Printed Name:</td> <td style="width: 50%; border: none;">Date:</td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		Printed Name:	Date:		
Printed Name:	Date:						
<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							

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	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;
X	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.

In April 2019, a 2009 EUT School Bus threw an engine rod out the block damaging computer and setting the engine compartment on fire. A good replacement engine/brain for less than \$16,000 could not be located. The EUT received information from the garage that is regularly a provider of services for UT buses in that area, that they had just acquired a 2010 Thomas, same model as the one lost, except one year newer and also lift-equipped, needing few repairs. Negotiations resulted in the UT acquiring the inspection ready 2010 Thomas Lift-bus for the trade of 2 older uninspectable buses. Some parts from the 2009 were used for the 2010 acquisition and \$6000 is invoiced. The EUT retained their electronic 4Head DVR-Camera System & Base Radio from the 2009 bus.

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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.

The EUT contacted several garages, bus dealers and school district's in search of a new or good used replacement engine or used bus. Only a new engine could be acquired for \$11,000 from Freightliner and there could be no \$3000 core reimbursement as the block had a hole through it. This price did not include the brain replacement cost.

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 EUT received information from the garage that is regularly a provider of services for UT buses in that area, that they had just acquired a 2010 Thomas, same model as the one lost, except one year newer and also lift-equipped, needing few repairs. Negotiations resulted in the UT acquiring the inspection ready 2010 Thomas Lift-bus for the trade of 2 older uninspectable buses. Some parts from the 2009 were used for the 2010 acquisition and \$6008 is invoiced by the vendor for Parts & Labor. The EUT retained their electronic 4Head DVR-Camera System & Base Radio from the 2009 bus.

5. Future Competition

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

The EUT is always networking & seeking new & qualified vendors to meet its variety of service needs statewide.

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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 services were unique to this particular vendor at this time. The place of business is located in the same area of the state where the need for fast replacement of this EUT bus loss was occurring and a nearby school district had just sold to the business a compatible bus replacement for the UT. This was a \$10,000 savings over other quoted solutions from other statewide competitive vendors and the EUT was able to dispose of 2 buses locally that otherwise would have had to be towed to Surplus for an additional \$1600.

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:

Dan Chuhita, Deputy Comm. DOE

Date:

5/15/19