

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:	Deborah Morgan	Office/Division/Program of Contract Administrator:	Traffic Engineering/Continuous Count Site (CCS) Program
Est. Contract Amount:	\$ 15,000 (\$5,000 per year)	Contract or RQS Number:	RQS2019070900000000026
Proposed Start Date:	May 15, 2019	Proposed End Date:	May 14, 2022
Vendor/Provider Name, City, State:	Roadsys, L.L.C. VC0000231233 334 East Lake Road #125 Palm Harbor, FL 34685		
Short Description of Good or Service:	Repair and technical support for the EMU3 traffic counters at our CCSs		
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>07/10/2019</u> To: <u>07/16/2019</u>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0720191171		
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: 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		

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	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.
	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.

MaineDOT purchased (65) EMU3 traffic counters for our Continuous Count Site (CCS) Program from Jamar Technologies in June of 2016. Jamar was the only distributor in this country for this equipment, which is manufactured in England by TDC. Our original contract allowed for maintenance of these units as well as additional purchases. Jamar no longer distributes the EMU3.

We currently have (6) units that are not functioning and no one to call when questions arise. Our CCS data is the basis for adjusting our short duration counts (SDC) to an AADT (Annual Average Daily Traffic). AADTs provide valuable information for numerous calculations and decisions throughout the Department.

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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 EMU3 is far more advanced than similar equipment manufactured in this country. The vendor TDC must provide training to service these counters. Currently, Roadsys is the only US company that has received the training and been granted permission to work on the EMU3s.

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 average labor cost to repair out short duration road tube counters is \$125 per hour plus the cost for parts. Roadsys will charge \$100 per hour for repair services plus parts.

5. Future Competition

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

Vendors in this country have done little to change existing technology over the past 20 years. As more states purchase the EMU3s and discover their capabilities, US designers and manufactures will need to make changes to remain competitive.

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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 data and analysis capabilities of the EMU3 are unique to TCD and its approved distributor Roadsys. These units utilize a loop signature to assist with vehicle identification, function as an oscilloscope to diagnose problems with sensors embedded in the pavement, and can add other sensors such as road temperature devices for additional functionality. We can diagnose sensor failures and schedule replacement, which significantly reduces the amount of lost data. The accuracy of our vehicle classification data has improved with these counters.

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.

<p>Signature of requesting Department’s Commissioner or Chief Executive (or designee within the Commissioner’s Office):</p>	<p><i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i></p>
<p>Printed Name:</p>	<p><i>Bruce A. Van Natta</i></p>
<p>Date:</p>	<p><i>7/3/19</i></p>

The Contractor will perform the following services for the Department: Repair of the EMU3 Traffic Counters on an as needed basis at 334 East Lake Road Palm Harbor, FL 34685. The Contractor will provide technical support via phone or email to address issues the Department encounters as well as firmware updates as they become available. The Contractor will be an authorized dealer for EMU3 traffic counter to allow MaineDOT to purchase additional units as needed.

Time: This Contract shall become effective on May 15, 2019 or the date last signed and that date shall constitute the earliest date for which work may commence.

Expiration Date: May 14, 2022

The Department shall pay assigned work and pay the Contractor for services rendered at the agreed price up to a total of \$15,000.00 (\$5,000 per year). Payment to be made by the Department after receipt and certification of itemized invoices submitted upon the Contractor's usual billing form or letterhead.