

# 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.

<b>DHHS/DCM Contract Administrator:</b>	Chris Moiles Ryan Roberts	<b>Office/Division/Program of Contract Administrator:</b>	DHHS, MECDC, HETL Sue Dowdy		
<b>Est. Contract Amount:</b>	\$52,000.00	<b>Contract or RQS Number:</b>	CT-10A-2018XXXX		
		<b>Purchasing Maine ID:</b>			
		<b>DHHS Agreement Number:</b>	CDO-20-5450		
<b>Proposed Start Date:</b>	<b>07/01/2019</b>	<b>Proposed End Date:</b>	<b>06/30/2021</b>		
<b>Vendor/Provider Name, City, State</b>	Stericycle, Inc. 264 Industrial Park Street Pittsfield, ME 04967				
<b>Short Description of Good or Service:</b>	Bio Medical Waste/Sharps Disposal				
<b>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.</b>	<p style="text-align: center;"><i>To be completed by the Division of Procurement Services</i></p> <p>Posting dates on Division of <i>Procurement Services</i> website:                  From: <u>7/11/2019</u> To: <u>7/17/2019</u></p>				
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0720191177				
<b>1. Statutory Justification</b>					
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;				
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.	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. <b>Signature:</b>  <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><b>Printed Name:</b></td> <td style="border: none;"><b>Date:</b></td> </tr> </table>			<b>Printed Name:</b>	<b>Date:</b>
<b>Printed Name:</b>	<b>Date:</b>				
<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;				
<input type="checkbox"/>	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;				
	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a> .				
<input type="checkbox"/>	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;				

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	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.

The Health and Environmental Testing Laboratory (HETL) is a generator of Biomedical waste (viral culture, bacterial agar plates, TB specimens, human blood, urine, feces, CSF) which must be removed from the facility on a regular basis. These services are critical because HETL does not have the ability to process and store such waste.

**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.

HETL requires routine (minimum weekly) pick-up of biomedical waste as HETL does not have the infrastructure to store a large quantity of biomedical waste. Sufficient staffing, resources and expertise are not available within State of Maine government or any other governmental entity to provide these services.

**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**.

Several years ago, HETL negotiated with OXUS (local company from Pittsfield) fair and reasonable pricing for this service. These costs were lower than the previous provider. Stericycle recently purchased OXUS and they agreed to hold the previously negotiated pricing. When compared to last year’s agreement, costs are the same.

**5. Future Competition**

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

As Stericycle is the only vendor licensed to transport and destroy Ebola waste, HETL does not intend to RFP this service at this time. In the event another vendor becomes licensed to perform these services in the New England geographic region, HETL will reevaluate the possibility of an RFP at that time.

**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.

In applicable regulations, the generator of all waste is held responsible from “cradle to grave”. At this time, there is no other contractor who provides this level of service in the Maine/New England area. There are smaller companies who provide pick up services, but only provide smaller containers which appears to cost the same as the removal of the larger containers currently used. Most of these companies would pick up from HETL and store the waste until a company

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(Stericycle) could remove them. This would require duplicate handling and increase the risk of accidental exposure, for which the State of Maine would be liable.

Stericycle is the only company in the nation that is licensed to transport and destroy Ebola waste, and is also more likely to handle other emerging infectious diseases in the future.

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

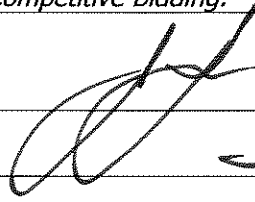
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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:**

  
 Jim Lapetosky  
 28-Jun-12