

**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:	Chief Russell Gauvin	Office/Division/Program of Contract Administrator:	Bureau of Capitol Police				
Est. Contract Amount:	\$9,220	Contract or RQS Number:	20190731*135				
Proposed Start Date:	8/9/19	Proposed End Date:	10/9/2019				
Vendor/Provider Name, City, State:	Axon Enterprise Incorporated, Scottsdale, AZ						
Short Description of Good or Service:	TASER Electronic Control Device (weapon) x 8						
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> <p style="text-align: center;">Posting dates on Division of <i>Procurement Services</i> website: From: <u>8/15/19</u> To: <u>8/21/19</u></p>						
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191379						
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: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;">Printed Name:</td> <td style="width: 40%; 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:						
	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;						

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	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.

TASERS are a less than lethal option for use by officers to bring a combative person under control. The Bureau of Capitol Police officers have carried TASER X26 Electronic Control Devices since 2014. The use of a TASER over other force options greatly decreases the likelihood of officer and subject injuries. The 2014 TASER models have reached the end of their expected serviceable life and are no longer supported by AXON/TASER. The 129th Legislature approved an appropriation to enable Capitol Police to replace the aging TASERS with the newest model, X26P. The State Police purchased two hundred X26P TASERS for Troopers in the past year.

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.

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TASER is a unique and patented Electronic Control Device (weapon). It is only available from AXON/TASER and is serviced and supported by AXON/TASER. The State Police purchased two hundred X26P TASERS for Troopers in the past year. They also found no other source.

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 Bureau of Capitol Police purchased an older version of the TASER ECD in 2014 and several replacements since. The price that the TASER X26P has been offered to State, and municipal agencies has been consistent since the X26P's introduction a couple years ago. The State Police purchased **two hundred** X26P TASERS for Troopers in the past year at a price of \$1,022 each for that bulk order. We were too late in the process to jump in on that price as that was a one-time bulk order process in early FY19. We were able to get the same price given to other agencies for smaller orders, 8 each at \$1,065.

5. Future Competition

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

TASER is a unique product that was designed and engineered with considerable focus on reliability while minimizing liability concerns. There are a few other products that claim to be similar to TASER in the market place. However, none of those products are widely accepted for use by law enforcement agencies due to the high liability risk and the lack of proven ability of the other products. I do not see a likely path that will lead to competitiveness for these goods (weapons) in the near future.

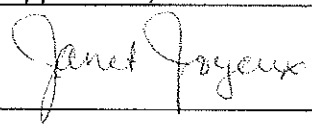
Please note that only one of the two points below (“Uniqueness” or “Timeframe”) requires a response. Requesting Departments are not required to respond to both points.

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.

TASERs are a patented technology that are uniquely designed and engineered Electronic Control Devices (weapons). TASER is owned by AXON Enterprise Corporation. There is no other similar technology/device on the market that has the proven history of minimizing injuries while reliability controlling most combative people. Other stun guns and related items are generally not suitable for law enforcement use.

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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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Janet Joyeux
Date:	8.14.19