

**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:	Kohl Kanwit Thomas Gildersleeve	Office/Division/Program of Contract Administrator:	Department of Marine Resources, Bureau of Public Health				
Est. Contract Amount:	\$ 18,409.08	Contract or RQS Number:	RQS-13A-20190820*248				
Proposed Start Date:	09/02/19	Proposed End Date:	03/31/20				
Vendor/Provider Name, City, State:	MilliporeSigma VC1000065261						
Short Description of Good or Service:	Water Filtration System						
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 Procurement Services website: From: <u>08/26/2019</u> To: <u>09/01/2019</u>						
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191422						
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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. Signature: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Printed Name:</td> <td style="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 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;						

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

	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.

The Department of Marine Resources Bureau of Public Health Water Quality Laboratory monitors coastal Maine waters for pollution sources that could affect the health and harvest of Maine shellfish. One of the main pollution sources is bacteriological pollutants caused by human or animal feces. The laboratory monitors these pollutants by testing Maine coastal waters for fecal coliform bacteria.

To test for fecal coliform under the National Shellfish Sanitation Program requirements, distilled or deionized water is required. This request is for a replacement Millipore water filtration system for producing deionized water. This is the labs busiest time of the year, the system is constantly in use, out of date and in need of replacement.

Fecal coliform testing of Maines coastal waters is conducted year-round. Without this system, testing could not be conducted. The lab could not perform a large percentage of their job duties without this system which would lead to shellfish closures and potential human health concerns if we had to wait to send the request out to bid.

**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.

The State of Maine does not produce scientific equipment.

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**.

This is a replacement of our current water filtration system. To save money we are using components from the current system including the reservoir tank (around \$1500) and the filters we already have in stock as backups (around \$150). Since we have ordered from Millipore in the past we have been told we have a state discount and if we want the full warranty services (which we require) Millipore must perform the installation. Additionally, other companies that sell this system is limited (we could only find one vender) and we would still have to pay Millipore to install the system.

5. Future Competition

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

N/A

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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.


With this system if we want the full warranty services (which we require) Millipore must perform the installation. Additionally, other companies that sell this system are limited (we could only find one vender) and we would still have to pay Millipore to install the system.

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:

J. Kohl Kanwit

Date:

8/15/19

010-13A-P710-01-7206