

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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:	Lt David Tripp (Jaye Parker)	Office/Division/Program of Contract Administrator:	Public Safety – Maine State Police
Est. Contract Amount:	\$25,000	Contract or RQS Number:	CT-16A-20190906*0766
Proposed Start Date:	6/29/2019	Proposed End Date:	8/31/2021
Vendor/Provider Name, City, State	Northern Light EMMC Bangor Maine		
Short Description of Good or Service:	MSP applicant medical evaluations		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>9/11/2019</u> To: <u>9/17/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191504	
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:	
		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;		
<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;		
<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 Purchases "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>			
<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;		
<input type="checkbox"/>	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:			

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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.

All final applicants to the Maine State Police academy are required to complete a medical evaluation in order to be accepted into the program to ensure that they are physically fit for the strenuous training and active duty physical demands.

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.

There are no government entities that are able to administer and evaluate the testing.

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**.

Current price is \$500 per person. (no price increase from previous contract)

5. Future Competition

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

We have requested Dr Raymond work with another physician to pass on his knowledge and help train a replacement for when he retires.

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.

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Our contracting with EMMC will be contingent upon Dr. John Raymond being the coordinator, evaluator and reporter of the fitness evaluation testing for the Maine State Police. Dr. Raymond contracts with EMMC and, due to his extensive background in the necessary testing and evaluation of the testing, as it applies to the rigorous academy training the applicants will receive and the physical requirements of being a Maine State Trooper in the field after graduation, our contract with EMMC will name Dr. John Raymond as the specified coordinator of the fitness evaluation testing for the Maine State Police. The testing will take place at EMMC where calibrated instrumentation for accurate evaluations is available and Dr. Raymond can actively participate in, monitor and report on all testing results. A copy of the test results, interpretation of the results and recommendations (in the form of a 12 to 15-page report of all the Physical Fitness and Medical Evaluations for each applicant) will be provided to the Maine State Police Academy.

Due to the complexity of the required testing and the fact that we are relying on a medical opinion, the Maine State Police feels that it is extremely important that the reporting physician be fully versed and familiar with the type of activities and training the applicants will be receiving so an accurate evaluation can be made to avoid injury of an unfit applicant. Dr. Raymond has been performing our evaluations for over 25 years and has the required knowledge and experience.

Prior to 2011 and to date, Dr. Raymond was approved as the Sole Source for our previous contracts as a validation study conducted by the Physical Fitness Program Planning group indicated that the individual agency who conducted the medical exams for applicants must have an extensive background in sports medicine and /or emergency medicine. Dr Raymond met these criteria and has continued to provide the Maine State Police satisfactory evaluations. In addition to Dr. Raymond's degrees in Health Professions and Education/Exercise Physiology, he also had a private practice in Cardiology, providing the Maine State Police with additional skills above the requirements the Physical Fitness Programing group. From his skill sets, he provided the Academy with a comprehensive system for evaluation of cardiology issues (which could surface during the training program at the State Police Academy.)

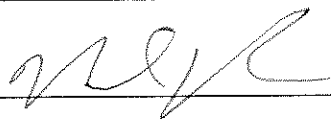
It is also important that to note that the facility and the schedule can efficiently accommodate up to 12 applicants in one visit.

7. Timeframe

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:

Michael J. Sauschuck

Date:

9-9-19