

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:	Lt. Scott Gosselin Amy Gower	Office/Division/Program of Contract Administrator:	Public Safety- Crime Lab
Est. Contract Amount:	\$ 16,132.41	Contract or RQS Number:	RQS 201909105 #0377
Proposed Start Date:	8/19/2019	Proposed End Date:	12/30/2019
Vendor/Provider Name, City, State:		Attestor Forensics US Inc. 1171 Apple Road Quakertown Pennsylvania 18951	
Short Description of Good or Service:		Forensic Climate Chamber NINcha S31, M31 and L31	
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>09/25/2019</u> To: <u>10/01/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191580	
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			

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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.

Our lab has never owned a development chamber. The current technique that our lab staff is using in lieu of having a chamber is inefficient, unreliable and results are uncontrollable. The current technique is a manual process versus having this particular chamber which would automate the process in a way that would make obtaining more efficient and more reliable. If an object with a latent print is processed in the chamber, the lab staff would have greater confidence that the prints would be developed whereas the current process uses a tool with far greater chance of damaging the evidence and much less reliability on the results. This particular chamber was recommended to our staff by a hired consultant who has seen our operation with the current process and highly recommended our change to a more automated system as supported by this particular development chamber produced by this particular company. No other vendor sells this particular chamber which as supported by our consultant would produce results with far greater reliability and accuracy. No other development chamber offers the same array of functions as supported with this instrument.

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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 state of Maine does not have a chamber of this kind in state government. This particular chamber with this particular range of function as recommended by our paid consultant is not available from any other vendor than the one identified in our quote.

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**.

Our consultant worked with the vendor on our behalf to negotiate a fair and reasonable cost to the state of Maine knowing that we do not have an instrument of this kind and knowing that our lab needed to have this equipment for greater efficiency and functionality.

5. Future Competition

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

If another vendor were to create a chamber with this functions and appealed to our need for efficiency and reliability in the process we would consider the competition.

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

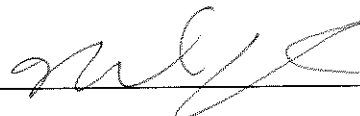
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The vendor, ATTESTOR, is the only manufacturer of this kind of chamber with this range of functionality. Our lab has been without a chamber of this kind for too long. It is important for us to retain equipment of this kind in order to keep up with industry standards and our customer needs.

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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:	
Date:	8-22-19