

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 Scott Gosselin Amy Gower	Office/Division/Program of Contract Administrator:	Division of Public Safety – Maine State Police
Est. Contract Amount:	\$7,620.00	Contract or RQS Number:	RQS-16A-20190913*0332
Proposed Start Date:	9/5/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State	Collaborative Testing Services Sterling VA		
Short Description of Good or Service:	Forensic Testing for Crime Lab performance monitoring and training.		
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: 9/26/2019 To: 10/2/2019	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191595	
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:	
		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;		
	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 DA/FS/BGS/Division of Purchases "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:		

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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.

The Maine State Police Crime Lab is responsible for ensuring that the integrity of the methodology and measurement competence of testing of evidence meets strict government criteria and scrutiny at trial. The tests being purchased are a means necessary to ensure that the results can be proved and the process used for testing is accurate and acceptable. This provides warning of potential measurement issues and supplements the training of personnel. The tests are a critical and unbiased tool for evaluating the lab's overall performance.

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.

This is not available by any state or federal entity.

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**.

Forensic testing costs range in cost depending on the type of test offered. Not all vendors offer all tests. This vendor's pricing appears to be very similar in pricing when compared to that of other testing services. The individual tests themselves are generally range from \$150 to \$600 dollars each but, depending on the type and total number of the tests needed; the total cost can exceed the limit of \$5000 for using a PO for the purchase. These are generally ordered once a year.

5. Future Competition

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

There are many different companies that offer forensic testing services and some of these companies send their tests in, free of charge, for the crime lab to test providing opportunity for the lab to evaluate a new vendor's product and their testing process. In addition, these companies are present at many conferences attended by Quality Manager. The Quality Manager is able to view and talk to distributors and vendors to compare testing techniques. These free tests and this network of information provide the Maine State Police the opportunity to look for other vendors and keep the door open to alternative options.

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.

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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.

Collaborative Testing Services is an ANAB accredited testing provider which is required for our Lab accreditation and registration.

The tests provided by this vendor have proven to be effective and the testing technique and processes matches the MSP Lab work flow and analysis procedures resulting in enhanced training opportunities for proving and disproving the evidence collected at real crime scenes.

This vendor, unlike others we have sampled, provides us with easy to read and understand reports that are tailored specifically for our lab. They provide technical assistance by knowledgeable personnel at no additional charge.

Additionally, to change to another vendor would require additional time and energy by lab scientists, already working on a backlog of evidence, to retrain and learn to navigate new portals in order to take the tests. This could result in an additional backlog of evidence testing.

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.

Janet Joyeux for

Printed Name:

Michael J. Sauschuck, Commissioner

Date:

9.13.19