

State of Maine Procurement Justification Form

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services website (Forms page) for additional instructions.

PART I: OVERVIEW

Department Office/Division/Program:		DHHS/Maine CDC		
Department Contract Administrator or Grant Coordinator:		Chris Moiles/Arlene Jones		
(If applicable) Department Reference #:		CD0-21-5403		
Amount: (Contract/Amendment/Grant)	\$164,640.00	Advantage CT / RQS #:	10A 20210512*3202	
CONTRACT	Proposed Start Date:	05/24/2021	Proposed End Date:	05/23/2023
AMENDMENT	Original Start Date:		Effective Date:	
	Previous End Date:		New End Date:	
GRANT	Project Start Date:		Grant Start Date:	
	Project End Date:		Grant End Date:	
Vendor/Provider/Grantee Name, City, State:		NMS Labs Horsham, PA		
Brief Description of Goods/Services/Grant:		Subcontract backlogged OUI urine drug samples		

PART II: JUSTIFICATION FOR VENDOR SELECTION

Mark an "X" before the justification(s) that applies to this request. (Check all that apply.)

	A. Competitive Process		G. Grant
	B. Amendment		H. State Statute/Agency Directed
X	C. Single Source/Unique Vendor		I. Federal Agency Directed
	D. Proprietary/Copyright/Patents		J. Willing and Qualified
	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

PART III: SUPPLEMENTAL INFORMATION

Please respond to ALL of the following:

1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

DHHS-Maine Health and Environmental Testing Lab (HETL) currently has a backlog of approximately 360 urine samples needing drug presence testing for evidentiary purposes. The testing of specific drugs in urine samples is time sensitive. This timeline depends, in part, upon storage space and conditions. The laboratory may soon be unable to meet these storage conditions with the current sample volume (and incoming samples). The backlog combined with the incoming samples is so severe the estimated timeline for HETL to have the backlog completed will take approximately two or more years.

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PART III: SUPPLEMENTAL INFORMATION

Maine is required by law to provide maximum safety for all persons who travel on or otherwise use the public ways; and to remove quickly from public ways those persons who have shown themselves to be a safety hazard by operating a motor vehicle while under the influence of drugs.

Bureau of Motor Vehicles (BMV) suspends a driver's license based on a report from law enforcement that the driver operated under the influence of a drug. This happens independently of any criminal process, and in most cases happens before the driver goes to court on a criminal charge for the same conduct. In order to suspend a license, BMV must have both a police report and a certified drug test result. The urine testing backlog needs to be cleared to enable BMV to proceed with suspensions where a drug is confirmed. Currently BMV is waiting for approximately 250 test results before suspension may be imposed.

2. Provide a brief justification for the selected vendor to supplement the response in Part II.

NMS has been the selected laboratory to perform this backlog testing since they fall under the statute for testing by being accredited to ISO 17025 through American National Accreditation Board (ANAB), licensed by the Pennsylvania Department of Health, and Clinical Laboratory Improvement Amendments (CLIA). These accreditations and licenses guarantee the quality of the work to be performed will match the quality of work performed at HETL, and HETL is required to utilize an ANAB accredited laboratory to meet their own accreditation requirements. This vendor is also able to handle the large sample volume being sent within the timeframe required. Additionally, there is no laboratory, other than HETL, in the State of Maine that can meet the legal certification requirement for confirmatory drug testing.

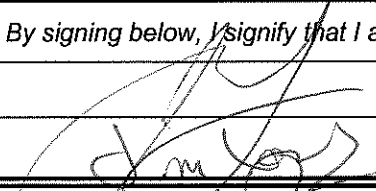

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

The per sample price provided by NMS is less than the cost to test the sample at HETL, however the customers are requiring 2 notarized copies of the final report which is an added cost. NMS typically issues electronic reports and the added work involved in providing hand signed and notarized reports justifies the additional cost.

4. Describe the plan for future competition for the goods or services.

This is a limited time service to assist in current backlog and any future backlogs that require further assistance as determined by the Department. HETL will continue to monitor for additional laboratories to utilize in the future if this service is required ongoing.

PART IV: APPROVALS

Signature of requesting Department's Commissioner (or designee):	<i>By signing below, I signify that I approve of this procurement request.</i>		
Printed Name:		Date:	21-Sep-21
Signature of DAFS Procurement Official:	DocuSigned by: 		
Printed Name:	Kathy Paquette	Date:	9/28/2021