

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.

DHHS/DCM Contract Administrator:	Chris Moiles	Office/Division/Program of Contract Administrator:	DHHS, MeCDC DS, HETL
Est. Contract Amount:	\$ 31,858	Contract or RQS Number:	RQS 10A 20190827*0279
		Purchasing Maine ID:	
		DHHS Agreement Number:	CD0-20-54MA24
Proposed Start Date:	10/1/2019	Proposed End Date:	9/30/2022
Vendor/Provider Name, City, State	Quidel Corporation 12544 High Bluff Dr, Ste 200 San Diego, CA 92130		
Short Description of Good or Service:	To extend a Vendor Master Agreement for RhMK Monkey Kidney and MRC-5 Cells Tube Cultures for the propagation of human viruses (<i>these live cells detect viral pathogens from human clinical specimens for accurate diagnosis and treatment</i>)		
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>10/16/2019</u> To: <u>10/21/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1020191731	
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 Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>		

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	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.

HETL requires a reliable source of varied cell lines in the propagation of human viruses. In order to obtain the cell lines, it is necessary to purchase at least two different cell lines from a vendor. Certain criteria for this purchase need to be met. These cell lines are live cells requiring fast delivery and maintaining temperatures within a specified range in order to be useable upon delivery. The company needs to be close to the state of Maine so when temperature extremes exist in summer and winter, the product stay viable. The goods are critical in the nature of the viral culture work performed at the HETL. The cell lines used detect viral pathogens from human clinical specimens. The identification of these viruses assists physicians in determining the course of treatment for their patients, which is critical in putting together an accurate diagnosis and treatment plan.

If these cells do not arrive within 24 hours after shipping or cannot maintain cell sheet integrity for more than a week, the cost of providing viral isolation increases. Having cells in poor condition means using more cell culture tubes, more reagents, and increases the turn-around time to getting results to the doctor.

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.

Staffing, resources, or expertise is not available within the State of Maine government.

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**.

The cost of the items included on the master agreement with this vendor has not increased over the last few years. The cost of supplies from this vendor has decreased from a few pennies to \$6.00 depending on the product, with shipping included in the cost.

5. Future Competition

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

HETL will not be going out to RFP at this time since specific criteria is associated with this type of testing and would take a lot more than accepting a vendor without a validation study of their cells and quality.

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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.

The provider delivers consistent, quality cell lines that enable staff at HETL to propagate a number of viral agents important to the diagnosis and treatment of patients. If there is a delay from the time of shipment to the time of receipt, the product is rendered useless or in such a condition as to not withstand the testing timeline. The Provider is located in close proximity to Maine such that the products are shipped and delivered within 24 hrs.

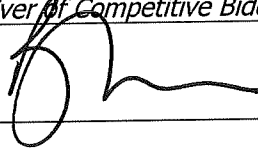
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

N/A

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:

Benn Mann

Date:

10/11/19