

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.

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| Requesting Department's Contract Administrator: | Roy E. McKinney | Office/Division/Program of Contract Administrator: | Dept. of Public Safety, Drug Enforcement Agency |
| Est. Contract Amount: | \$ 79,000.00 | Contract or RQS Number: | 20191011*1288 |
| Proposed Start Date: | 10/6/2019 | Proposed End Date: | 6/30/2020 |
| Vendor/Provider Name, City, State: | Sanford Police Department 935 Main Street, Sanford, ME 04073 | | |
| Short Description of Good or Service: | Professional Services, Not by State – Task Force Agent | | |
| 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>10/23/2019</u> To: <u>10/29/2019</u> | |
| Notice of Intent to Waive Competitive Bidding Number: | NOI# 1020191755 | | |
| 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> | By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. 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 | | |

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| | products; | |
| | <p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> | |
| | <p><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/qovcoop.doc.</i></p> | |
| | 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. | |
| X | If a different authorization specifically allows for this non-competitive procurement, please provide that reference here: | 25 M.R.S.A., chapter 353 |
| Please note that the following four points below (#2 through 5) <u>all</u> 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. | | |
| <p>25 M.R.S.A., chapter 353 established the Maine Drug Enforcement Act as the State's response to the unprecedented threat to the health and safety that the distribution of scheduled drugs into, out of and within the State presented. Chapter 353 sets forth the development of a statewide drug enforcement program and strategy based on principles of integration and unification at all levels of law enforcement, including federal, state, county and municipal levels and prosecutorial as well as as investigative agencies.</p> <p>The Maine Drug Enforcement has no State employee staffing of commander, task force investigative supervisor or agent (Maine State Police equivalent of lieutenant, sergeant, or detective respectively) to address the drug threat. To implement this statewide drug enforcement program requires sub-contracting with municipal, county and state law enforcement agencies for staffing.</p> | | |

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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.

Maine Drug Enforcement Agency does not have the staffing needed to address the requirement and is sub-contracting out the labor using available trained resources from municipal, county and state law enforcement agencies allowing a demographic advantage in detecting and prosecuting drug offenders. The Provider's officer shall be compensated in a manner equivalent up to that of a Maine State Police Detective pursuant to 25 M.R. S.A., chapter 353.

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 Provider's officers shall be compensated in a manner equivalent up to that of a Maine State Police Detective (Salary Specification 33, Grade 22, Step 1 through 7) pursuant to 25 M.R. S.A., chapter 353. Reimbursement of expenses to be requested are not to exceed that difference between what the officer's hourly rate and that of a Maine State Police Detective, \$10.00 per hour special unit pay (clandestine lab assignment), plus employer paid costs associated with the difference between the officer's hourly rate and that of a Maine State Police Detective.

On a monthly basis, the Provider shall invoice to the MDPS MDEA its contractual costs of assigning its officer. Invoices shall provide sufficient detail as to salary costs and employer paid and shall be accompanied by supporting documentation to include a copy of the MDPS MDEA Time Record.

5. Future Competition

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

The Agency will continue to evaluate the need to sub-contract the position.

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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 agrees to assign its officer, who is certified pursuant to section 2803-A, subsection of Title 25, M.R.S.A., to perform the services for the MDPS MDEA in the nature of a Task Force Investigative agent, and who shall be deputized as such pursuant to Title 25 §2955, M.R.S.A.

The Providers have had officers assigned to the State of Maine drug task force many years. The officer(s) were selected as the best candidate after a search of all departments interested in assigning an officer to the task force was undertaken.

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):

By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.



Printed Name:

Michael J. Sauschuck

Date:

10-21-19