

State of Maine Waiver of Competitive Bidding Request Form

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| DHHS/DCM Contract Administrator: | Chris Moiles | Office/Division/Program of Contract Administrator: | DHHS, MeCDC, DS, HETL |
| Est. Contract Amount: | \$ 17,423 | Contract or RQS Number: | CT 10A 20190924*0983 |
| | | Purchasing Maine ID: | |
| | | DHHS Agreement Number: | CD0-20-5451 |
| Proposed Start Date: | 9/1/2019 | Proposed End Date: | 12/31/2019 |
| Vendor/Provider Name, City, State | Technical Safety Services LLC (TSS) Deer Park, NY | | |
| Short Description of Good or Service: | Laboratory equipment annual certifications, installation of HEPA filters, biosafety cabinets testing of 9 biosafety cabinets, fume hoods, Class I Single Pass, Laminar Flow Unit (PCR) testing and Travel and Per Diem Charges for all. | | |
| 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# 1020191756 | |
| 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; | | |
| <input type="checkbox"/> | <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: | |
| <input type="checkbox"/> | | 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; | | |

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| <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/govcoop.doc.</i></p> | |
| <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;</p> | |
| <p>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.</p> | |
| <p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p> | |
| <p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p> | |
| <p>2. Description of Specific Need</p> <p>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> | |
| <p>The Department requires biosafety cabinets, fume hoods and other clean air and laboratory containment safety equipment be certified annually by an NSF accredited biosafety cabinet certifier for compliance with CLIA (Clinical Laboratory Improvement Amendments) and the Department. The accredited proven competent company that the Department uses for this work is TSS (Technical Safety Services LLC).</p> <p>This work is critical and essential for the Department's daily laboratory work to continue. The equipment certification work must be performed annually, otherwise the equipment will be out of compliance and will be posted "Not Certified, Do Not Use". If the Department's biosafety cabinets and fume hoods can not be used, the lab will shut down because this equipment is critical and essential for safety.</p> | |
| <p>3. Availability of other Public Resources</p> <p>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.</p> | |

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The Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities.

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 costs, fees and rates are fair and reasonable and fall within the usual and customary range for NSF certification of laboratory equipment.

5. Future Competition

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

The Department does not intend to RFP this critical service.

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 is an NSF Accredited Laboratory Biosafety Cabinet field certifier.

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.

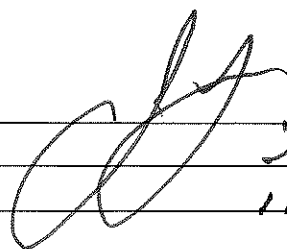
An urgent requirement exists to complete the annual biosafety certifications prior to October 30th, 2019. Failure to certify the biosafety cabinets, fume hoods, and related clean air and laboratory containment safety equipment by this date would render the lab out of compliance with the CLIA (Clinical Laboratory Improvement Amendments) and the CDC and require that the equipment not be used. In effect, this would shut down the HETL microbiological testing laboratory.

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:

Date:



 Jim Cepelone

 11 - Oct - 19