

**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.

Requesting Department's Contract Administrator:	Andrea Galasyn	Office/Division/Program of Contract Administrator:	ME DEP, Division of Air Quality Assessment, Lab and QA Section
Est. Contract Amount:	\$ 36,972.98	Contract or RQS Number:	06A 20191007*0438
Proposed Start Date:	NA	Proposed End Date:	NA
Vendor/Provider Name, City, State:	Entech Instruments, Inc Simi Valley, CA		
Short Description of Good or Service:	<p>The Entech 7016D canister autosampler is a device required for automated sample analysis of volatile organic compounds (VOCs). The unit will connect to our current Entech Preconcentration system which prepares the air sample for injection onto a gas chromatograph/mass spectrometer (GCMS) for analysis.</p> <p>The Entech 4700 Precision Diluter creates gaseous calibration mixtures used for analysis on the GCMS.</p>		
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.	<p>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: <u>10/24/2019</u> To: <u>10/30/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191765		
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</i>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> Signature:		

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<i>requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i>	Printed Name:	Date:
X	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 DAFS/BGS/Division of Procurement Services "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;	
	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.

The ME DEP Air Laboratory provides ambient air analysis for volatile organic compounds (VOCs) using a gas chromatograph/mass spectrometer (GCMS) by EPA Method TO-15 in support of the Monitoring Sections Hazardous Air Pollutant (HAPs) network. When time and resources allow, the laboratory also participates in special studies such as the ecomaine Pharmaceutical Study in 2013, Long Island Sound Tropospheric Ozone Study (LISTOS) in 2017 and 2018, and currently the partnership with the city of South Portland to help determine the air quality throughout the city.

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To load a sample onto the GCMS for analysis, a known volume of air is collected from the sampling canister onto a multi-sorbent, multistep concentrator. After the concentration and drying steps are completed, the VOCs are carried onto a gas chromatographic column for separation. An autosampler is the most effective way to collect air from the sampling canister and load it onto the concentrator. The Air Lab currently uses and Entech 7016CA autosampler connected to a newly purchased Entech 7200 Preconcentrator. The 7016CA is no longer covered by Entech service. A functioning autosampler is vital for laboratory operations so the 7016D would replace the current system.

The GCMS must be periodically calibrated via laboratory prepared calibration mixtures. The 4700 Precision diluter will automate this process, reducing the possibility of human error and freeing up the time that the analyst would typically spend preparing standards for other laboratory duties.

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.

The equipment is required for VOC analysis by EPA Method TO-15. Multiple vendors do manufacture similar instrumentation, but nothing is available from the State of Maine's government or other governmental entities. We are purchasing from Entech Instruments because we have been happy with Entech technical assistance, technical service, and products in the past. Also, the autosampler unit will be connecting it to an existing Entech Preconcentrator.

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**.

Entech is currently offering an additional 18% off the list price of both the canister autosampler and precision diluter which will reduce costs by \$6700. Purchasing an Entech system will ensure that we can easily connect to the Entech Preconcentrator that we currently own. The preconcentration unit can connect up to three autosampler trees if there is a need to expand our program in the future.

By installing these instruments at the same time, we will only pay a one-time installation fee instead of a fee for each instrument. This saves \$3,750.

5. Future Competition

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

By purchasing this equipment, the laboratory will be able to continue analyzing ambient air samples by EPA Method TO-15 for the monitoring network as well as special studies. Instrumentation has a natural lifetime but with proper use and maintenance the equipment will last for years before needing to be upgraded. Each upgrade provides a potential to foster competition.

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.

Because the new autosampler unit will be connecting to our current Entech Preconcentration system, it is important to purchase compatible instrumentation. These two units were designed to work together. Since the autosampler will replace an older model already in use by the Air Lab, purchasing another Entech unit will reduce disruption of laboratory operations. Entech is the sole source authorized service provider for these systems and the only source for parts or service contracts for these instruments within the United States.


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:


Gerald D. Reid

Date:

10/4/19