


**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:	Andrew Johnson	Office/Division/Program of Contract Administrator:	DEP / BAQ / Division of Air Quality Assessment
Est. Contract Amount:	\$ 64,426.00	Contract or RQS Number:	
Proposed Start Date:	10/1/2019	Proposed End Date:	9/30/2020
Vendor/Provider Name, City, State:	University of Wisconsin State Laboratory of Hygiene Madison, WI		
Short Description of Good or Service:	Participation in a national monitoring program / network for atmospheric deposition.		
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 Procurement Services website: From: 10/25/2019 To: 10/31/2019</p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191774		
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>	<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: Gerald D. Reid	Date: 10/8/19
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;		

State of Maine Waiver of Competitive Bidding Request Form

	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: <ul style="list-style-type: none"> (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; <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:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.
	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 continued precipitation chemistry and mercury analyses of wet deposition samples are critical to maintaining a scientifically and statistically valid data base for determining and assessing long-term trends in atmospheric sulfates, nitrates and mercury deposition to the Maine environment. The high-quality data produced by these monitoring networks is needed by both federal and state policy makers to assess the need for regulatory programs to control and reduce emissions of sulfur, nitrogen and mercury to the atmosphere, and to judge the effectiveness of any such adopted regional or federal control programs. Scientists and other users researching a vast array of impacts and effects on a variety of ecosystems, who require long-term trend datasets, depend on the data generated by this monitoring network.

**State of Maine
Waiver of Competitive Bidding Request Form**

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.

DEP's deposition monitoring sites have been part of the National Atmospheric Deposition Program's (NADP) National Trends Network (NTN) and the Mercury Deposition Network (MDN) since 1979 and 1996, respectively. These are nationwide long-term deposition monitoring networks, which provide a national framework for collecting and disseminating quality assured deposition data that has been collected and analyzed following a common set of protocols in order to ensure consistency and comparability in the measurements and in the data. Consistency and comparability in the analytical data are also achieved by having all samples collected within a network analyzed by a single, common laboratory such as NADP's Central Analytical Lab (CAL) for NTN samples and the Hg Analytical Laboratory (HAL) for MDN samples. A benefit of using a national laboratory for this purpose provides economies of scale because of the large volume of samples it analyzes, which it can do at a much less expensive rate than any Maine / state-based effort analyzing just our own samples could.

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**.

As more fully explained in section 6, in order to belong to this national program, using another laboratory's analytical services is simply not an option.

5. Future Competition

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

The NADP has a process in place to issue 5-year contracts with its analytical labs. A competitive bidding process is undertaken at that time. This cost for analytical services that are the subject of this request are the same as last year, which is \$1,800 less than they were four years ago due to a new lab contract.

**State of Maine
Waiver of Competitive Bidding Request Form**

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.

NADP’s analytical laboratory services are specifically designed to match the requirements of the NADP’s NTN and MDN sampling and analytical protocols, as detailed in their Quality Assurance Project Plans for various components of those programs. In order to have one’s deposition monitoring sites considered as belonging to the NADP NTN or MDN network, the samples must be analyzed by either the CAL or the HAL. As mentioned previously, the value and benefit to DEP of its sites belonging to these networks is the consistency and comparability of the data generated by all of its sites, providing for direct “apples to apples” comparisons with data from other states’ sites.

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.

These are ongoing annual analytical services which we are now contracting on a federal fiscal year basis. The impact of a delay or postponement in the continued analyses of these samples would: 1) interject a confounding level of uncertainty about interpreting and understanding any future changes observed in precipitation chemistry and mercury deposition levels, 2) jeopardize the ability to determine the success or failure of current regulatory emission control strategies and programs designed to decrease the environmental impacts of sulfur, nitrogen and mercury deposition, and 3) represent a significant loss of valuable and important environmental data routinely used by scientists, researchers and natural resource managers across the state, as well as nationally, in on-going studies and programs. There are no other labs that I am aware of that provide this unique suite of analytical services and monitoring support.

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

Gerald D. Reid

Date: 10/8/19

10/8/19