

## State of Maine Procurement Justification Form

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services website (Forms page) for additional instructions.

### PART I: OVERVIEW

Department Office/Division/Program:		DACF-Board of Pesticides Control	
Department Contract Administrator or Grant Coordinator:		Megan Patterson	
(If applicable) Department Reference #:			
Amount: (Contract/Amendment/Grant)	\$ 150,000 (as needed)	Advantage CT / RQS #:	MA 17082800000000000027
CONTRACT	Proposed Start Date:		Proposed End Date:
AMENDMENT	Original Start Date:	9/1/2017	Effective Date:
	Previous End Date:	12/31/2021	New End Date:
GRANT	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:		Montana Department of Agriculture, Laboratory Bureau Bozeman, MT	
Brief Description of Goods/Services/Grant:		Pesticide residue and water quality analysis	

### PART II: JUSTIFICATION FOR VENDOR SELECTION

Mark an "X" before the justification(s) that applies to this request. (Check all that apply.)

	A. Competitive Process		G. Grant
<b>X</b>	B. Amendment		H. State Statute/Agency Directed
<b>X</b>	C. Single Source/Unique Vendor		I. Federal Agency Directed
	D. Proprietary/Copyright/Patents		J. Willing and Qualified
	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

### PART III: SUPPLEMENTAL INFORMATION

Please respond to ALL of the following:

- 1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.**

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### PART III: SUPPLEMENTAL INFORMATION

- a) The BPC is obligated to analyze pesticide residue and formulation samples as part of its responsibilities related to enforcing pesticide law. The BPC must contract with a laboratory that has a current, EPA-approved Quality Assurance Project Plan (QAPP) and has the capability to analyze virtually any of the nearly 1,000 pesticide active ingredients in use. Very few laboratories meet these requirements and are willing to contract with other states.
- b) The BPC is charged with enforcing state and federal pesticide laws in the state. This responsibility requires the collection and analysis of pesticide residue samples from a variety of media including soil, vegetation, sediment, and various sources of water with differing levels of organic and synthetic solutes.
- c) Under 7 M.R.S. §607-A. REVIEW OR REREGISTRATION 2-A, the BPC is charged with conducting water residue surveys of domestic wells and bodies of water in areas of possible contamination in order to profile the kinds and amounts of pesticides present. Specific to this amendment, Groundwater monitoring is reinstated and new surface water monitoring projects are added, which will increase funding needed.
- D) Need to extend the master agreement to fulfill monitoring and enforcement requirements.**

#### 2. Provide a brief justification for the selected vendor to supplement the response in Part II.

- a/b) The Montana Department of Agriculture, Laboratory Bureau, is unique in that it is the only laboratory that is willing to process out of state samples and has the capability to: 1) provide a multi-residue screen for pesticides and their metabolites in water, 2) analyze for newer chemistries, 3) analyze for almost all of the hundreds of pesticides frequently used in Maine, 4) analyze samples at sub-parts per billion or sub-parts per trillion, depending on the pesticide and medium, and 5) provide a multi-pyrethroid screen for sediments. The MT lab is a leader in pesticide analysis and is one of two labs used by the USDA Pesticide Data Program for the national municipal drinking water testing program.
- c) The BPC requires a lab capable of analyzing samples from a variety of media, collected as part of the compliance and water monitoring programs, for which valid and timely results are required. The MT laboratory has a reputation of producing valid analytical reports reliably and quickly. The lab maintains a current QAPP for pesticides approved by EPA Regions 1 and 8.

#### 3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

The BPC has used a variety of laboratories over the last thirty years. For small sample numbers, residue analysis costs generally run between \$150 and \$500/sample depending on the complexity of the analysis and noise within the media. The analysis fee rate charged by the MT lab is comparable or less than the rates for the same service provided by labs for which the BPC currently or has contracted with. MT also provides quantity discounts which other labs do not. The BPC has contracted with the MT lab since 2013 and currently contracts with the Massachusetts Analytical Laboratory for enforcement analyses. The BPC formerly contracted with APT labs in Pennsylvania, but the lab does not have plans to submit a current QAPP.

#### 4. Describe the plan for future competition for the goods or services.

- 1) The BPC continues to work with EPA Region 1 staff to expand capabilities of state labs in neighboring states. The MA lab is within EPA Region 1.
- 2) The BPC continues to explore cost-sharing partnerships with USGS for water quality monitoring projects, but the cost remains prohibitive.
- 3) The BPC continues to seek other qualified private labs within reasonable shipping distance that meet BPC & EPA requirements.
- 4) The BPC will support an in-state public laboratory if it develops its methods and proficiency in pesticide analyses required by the BPC and in accordance with EPA standards for pesticide analysis.

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### PART IV: APPROVALS

<b>Signature of requesting Department's Commissioner (or designee):</b>	<i>By signing below, I signify that I approve of this procurement request.</i>		
	<small>DocuSigned by:</small> <i>Amanda E. Beal</i>		
<b>Printed Name:</b>	<small>20AF3A2882BB4AA...</small> Amanda E. Beal	<b>Date:</b>	10/27/2020
<b>Signature of DAFS Procurement Official:</b>	<small>DocuSigned by:</small> <i>William Allen</i>		
<b>Printed Name:</b>	<small>2D6B8E30F67E44A...</small> William Allen	<b>Date:</b>	10/28/2020

NOI 1020200996 10/28/2020 - 11/3/2020