

MFS

PM-20501

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:	Jennifer Wright	Office/Division/Program of Contract Administrator:	John Crowley
Est. Contract Amount:	\$ 42,389.00	Contract or RQS Number:	CTOIA 2019 10287 141
Proposed Start Date:	11/15/2019	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State:	Air Power Inc. 4900 S. Collins Arlington Municipal Airport Arlington TX 76018		
Short Description of Good or Service:	Provide 1 IO-520 Continental Aircraft Engine		
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><i>To be completed by the Division of Procurement Services</i></p> <p>Posting dates on Division of <i>Procurement Services</i> website:</p> <p>From: 11/4/19 To: 11/11/19</p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1120191826		
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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. 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		

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	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 Forest Protection Division operates a state-owned Cessna 185 that is used for fighting fire, Search and Rescue, and law enforcement operations. The engine for that aircraft is designed to be overhauled or replaced at 1,750 hours of flight time. The current engine is within 50 hours of the overhaul time. The aircraft uses a specific Continental engine and Continental requires that engines be purchased from a certified Continental dealer. The dealer for this part of the country is Air Power out of Arlington Texas. The removal of the old engine and installation of the new factory rebuilt engine will be performed by Forest Protection Division aircraft mechanics.	

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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.

N/A

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**.

This is the only supplier available for this engine. The cost is in line with the cost of other engines used for similar sized aircraft.

5. Future Competition

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

Since there is only one vendor that we can use, there is no opportunity to foster competition.

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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.

A factory rebuilt IO-520 can only be purchased from a Certified Continental dealer and Air Power is the available dealer for this part of the country.

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.

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Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	<i>Randy Choctek</i>
Date:	<i>10/31/19</i>

BUYER'S ORDER

AIR POWER[®] INC.

4900 S. COLLINS • ARLINGTON MUNICIPAL AIRPORT
 ARLINGTON, TEXAS 76018
 (800) 247-7693 • (817) 468-7788 • FAX (817) 557-5858

Date: 10/9/19 Quote: ENG0048154 Sales Rep: Bryce Etzkorn Extension: 134

Engine Model: IO-520-D40BR HP: 300 ENPL: N/A

AIRCRAFT INFO

Make: CESSNA
 Model: A185F
 Serial #: 18504365
 Tail #: N9494N
 Year: 1981
 Position: n/a
 Owner: n/a

INVOICING

IO520D40BR	Factory-Rebuilt Engine - IO-520-D40B	\$41,093.00
C-IO520D	CONTINENTAL CORE	\$14,500.00
EF	Freight - Round Trip	\$1,296.00

Pricing is with net 30 payment terms

EXCHG ENGINE INFO

Model: IO-520-D
 Serial #: 821919
 Total Time:



Total Price \$56,889.00
Core Allowance -\$14,500.00
Sales Tax \$0.00

Irrespective of whether or not sales/use tax is set forth on this document,
 any such taxes are and remain the responsibility of the purchaser.

Balance Due upon completion of Engine \$42,389.00

For complete engine prices and specs, go to
www.factoryengines.com

BILL TO

State of Maine
 Department of Marine Resources
 Attn: Jared Milligan
 21 State House Station
 Augusta, ME 04333-0021
 UNITED STATES

SHIP TO

Maine Forest Service
 Attn: Jared Milligan
 87 Airport Road
 Old Town, ME 04468
 UNITED STATES

8130-3 INFO

Phone: 207-827-1823
 Fax:
 E-Mail: jared.milligan@maine.gov

Phone: 207-827-1823
 Fax:
 E-Mail: jared.milligan@maine.gov

SHIP VIA Will Advise

Deliver Core Packet
to

Printed Name _____ Signature _____ Date _____

TERMS AND CONDITIONS: Customer agrees to pay for the engine in full when the engine is complete. Customer has read, agreed to, and signed the Engine Core Policy. Customer agrees that if there is a charge back or the engine core is not acceptable, the terms of the core policy will apply. Customer understands in the event the factory authorizes order cancellation a restocking fee will apply. I authorize Air Power, Inc. to 1st deduct the charges from any core refund or 2nd cash my core check. Customer agrees that in the event of a dispute regarding this agreement, the venue of any legal action will be brought in Tarrant County Texas. Engines are shipped by Seller to Buyer F.O.B. at factory. Risk of loss passes to buyer upon delivery of engine(s) to the designated carrier. Providing fax and email information grants permission for Air Power, Inc. to send unsolicited advertising.

LATE FEES: In an effort to maintain the lowest possible prices for factory engines, we must require full payment for the engine within 7 calendar days of verbal or written notification of engine completion. In the event that payment is not received within 7 days of notification, a late fee equal to 1 1/2% of the engine price will be assessed per month (Annual Percentage Rate 18%). These fees will be in addition to the amount owed and will be due prior to engine shipment.