

# 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.

<b>DHHS/DCM Contract Administrator:</b>	Christopher Moiles/ Patti Wall	<b>Office/Division/Program of Contract Administrator:</b>	MeCDC / ID EPI / HETL- Forensic Chemistry / Lauren Niskach
<b>Est. Contract Amount:</b>	\$ 12,175.00	<b>Contract or RQS Number:</b>	RQS 10A 20191104*590
<b>013-10A-014303-2340-03-4973</b>		<b>DHHS Agreement Number:</b>	CD0-20-5402
<b>Proposed Start Date:</b>	<b>10/1/2019</b>	<b>Proposed End Date:</b>	<b>11/15/2019</b>
<b>Vendor/Provider Name, City, State</b>	Vendor Code: VC0000219145 ANSI-ASQ National Accreditation Board, LLC, Milwaukee, WI, dba/ANAB		
<b>Short Description of Good or Service:</b>	Forensic ISO 17025 Full On-Site Reassessment for Accreditation		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>11/06/19</u> To: <u>11/12/19</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1120191832	
<b>1. Statutory Justification</b>			
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>	
	<b>Signature:</b>	<b>Printed Name:</b>	<b>Date:</b>
<b>X</b>	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 Purchases "GOVCOOP" form, found here: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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:		

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**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.

HETL is applying for reaccreditation from ANAB in the areas of controlled substances and toxicology. As part of achieving this accreditation, HETL is required to have a full on-site assessment for 3 days and is also billed an annual fee based on the number of Proficiency Tested analysts working in the lab. A full assessment consists of an audit of HETL case files, documents that make up the management system, examining evidence that has been submitted to HETL by customers, and watching HETL analysts conduct work.

The accreditation of forensic science testing laboratories applies to any laboratory performing forensic testing activities in the disciplines of Drug Chemistry, Toxicology, Trace Evidence, Biology, Firearms/Toolmarks, Questioned Documents, Latent Prints, Crime Scene Digital and Multimedia Evidence is required to receive Coverdell Grants from the Department of Justice (DOJ).

## **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.

There are no governmental entities that can provide these services.

## **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 associated with the assessment is contingent upon the number of assessors that are assigned to HETL, by ANAB. This also includes the length of time needed to complete the onsite assessment / audit. The number of assessors, and length of time they spend onsite at HETL is not within HETL's control and is determined by the availability of staff and the complexity of the Audit.

## **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 service in the future.

**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.

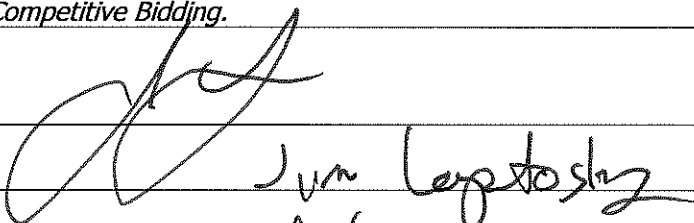
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ANAB is the leader in forensic laboratory accreditation, with an estimated 95-99% of accredited forensic labs having their accreditation thru ANAB, HETL included. At this time, Forensic Chemistry does not see any opportunity to gain such accreditation by other vendors. ANAB is by far the largest accrediting body for forensic laboratories, and the standard for which forensic accreditation is held to. Also, different accrediting bodies have different supplemental rules/requirement that must be met. If HETL selects a vendor other than our accrediting body to perform the assessment, then it is quite possible that specific requirements from ANAB would not be taught and the lab will be deemed deficient by our accrediting body at some point. Deficiencies can lead to a request for corrective actions, suspension of casework, and even recall of previous casework.

The lab, the reputation of the lab, and the staff would best be served by receiving the accreditation from the same organization that has been examining the labs records and determining compliance with their standards.

**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.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	
<b>Date:</b>	30 - Oct - 19