

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

DHHS/DCM Contract Administrator:	Chris Moiles	Office/Division/Program of Contract Administrator:	DHHS, MeCDC, Health and Environmental Testing Laboratory, Sue Dowdy
Est. Contract Amount:	\$ 86,719	Contract or RQS Number:	RQS 10A 20190917*346
		DHHS Agreement Number:	CD0-20-54MA01
Proposed Start Date:	11/16/2019	Proposed End Date:	11/15/2022
Vendor/Provider Name, City, State:	Becton, Dickinson and Company P.O. Box 28983 New York, NY 10087-8983		
Short Description of Good or Service:	Three-year Agreement for rental of the BacTec MGIT 960 mycobacteria test instrument (S/N: MG2940) and purchase of BacTec Mycobacterium Growth Index Tubes (MGIT) 960 and Bactec MGIT supplement Kits made by Becton, Dickinson and Company (BD), to grow cultures for the isolation of TB and other mycobacterium. The MGIT 960 is widely used across the United States because of its accuracy and ease of use.		
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>11/18/2019</u> To: <u>11/25/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1120191886		
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</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:	Date:

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	Governor's "designee") sign and date on the right.	
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) <u>all</u> 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.		
<p>The identification of Mycobacterium tuberculosis complex (MTBC) is essential for public health. MTBC continues to be a major cause of morbidity and mortality worldwide and is now the leading infectious killer responsible for more deaths than HIV and malaria. In Maine, we culture and isolate MTBC using the 7H10 MGIT broth that is incubated in the MGIT 960. Additionally, BD manufactures a supplemental kit that is a mixture of antibiotics that reduce the number of contaminating bacteria in the culture. The use of the BacTec MGIT 960 allows for the rapid identification of MTBC, decreasing the turn-around time for results and reducing the lag-time before the patient can start chemotherapy to kill the infection.</p>		

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The BacTec MGIT 960 is used country wide and allows for the quick isolation of MTBC. The isolation of MTBC allows state Epidemiologists to control the mycobacteria infection on a case by case basis, striving to eliminate the disease all together. There is no other comprehensive system on the market that could replace the BacTec MGIT 960, therefore, it is essential that we continue to use this culture system for rapid identification of MTBC.

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 state resources available to provide this service. With the lease of the MGIT 960 (S/N: MG2940), the customer agrees to purchase consumables from BD Dickenson.

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 cost is fair and reasonable considering we rent the equipment and must purchase the media and consumables from this vendor for specific testing purposes.

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 at this time.

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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.

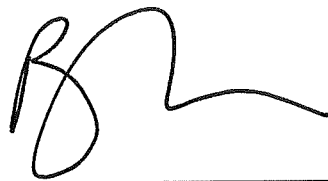
The need to identify MTBC in a rapid manner requires the use of the BacTec MGIT 960. The instrument is widely used across the United States because of its accuracy and ease of use. Becton, Dickenson and Company is the only vendor that provides approved maintenance of the BacTec MGIT 960 as well as the approved consumables.

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:

Dan Mann

Date:

11/12/19