

PM-20704  
**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>Requesting Department's Contract Administrator:</b>	Kim Lawrence Dale Peabody	<b>Office/Division/Program of Contract Administrator:</b>	Research				
<b>Est. Contract Amount:</b>	\$ 110,000	<b>Contract or RQS Number:</b>					
<b>Proposed Start Date:</b>	December 1, 2019	<b>Proposed End Date:</b>	December 31, 2021				
<b>Vendor/Provider Name, City, State:</b>	University of Maine						
<b>Short Description of Good or Service:</b>	Road salt usage policy study						
<b>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.</b>	<p style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> Posting dates on Division of <b>Procurement Services</b> website: From: <u>11/20/19</u> To: <u>11/26/19</u>						
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# <b>1120191906</b>						
<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>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><b>Printed Name:</b></td> <td style="width: 50%; border: none;"><b>Date:</b></td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		<b>Printed Name:</b>	<b>Date:</b>		
<b>Printed Name:</b>	<b>Date:</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;						

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	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
x	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <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>  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.

Maine statute requires the department to maintain the highways during winter conditions. This includes snow plowing and applying chemicals such as road salt to mitigate icy conditions. Road salt is stockpiled at maintenance facilities throughout the state for ease of access during winter storms. Over the years technology and practices have advanced that allow more precise and effective road salt applications. Despite these advances salt is detrimental to the environment and drinking wells in addition to corrosive impacts on vehicles and the roadway infrastructure. This project takes a critical review of current practices and policies to better inform decision-makers and the public.

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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.

The work to be performed includes collecting data such as road salt usage, vehicle crash statistics, weather severity and well claims. This information will be used to frame interviews and discussions with our stakeholders. These discussions will include tradeoffs of snow removal practices with safety and environmental impacts. The final deliverables will be used to educate and inform decision makers including MaineDOT executive team and the Transportation Committee. This will be an unbiased data-driven analysis of current policies and practices and how changes could impact safety and the environment. In order to conduct an unbiased policy study, it is in our best interest to contract this work out. Furthermore, the department does not have the expertise to conduct thorough statistical analysis of the data sets and lacks the available resources to conduct stakeholder workshops and interviews and document the findings/proceedings.

**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 rates for full-time professors and researchers are in line with previous cooperative agreements. Much of the salary time covers a full-time graduate student for 18 months. With oversight from a team of researchers the student rates are very fair. One of the co-principal investigators is using a portion of his UMaine salary for cost share. In addition, indirect costs are partially cost shared. For an 18-month effort the overall cost is reasonable.

**5. Future Competition**

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

The University's Margaret Chase Smith Policy Center is able to bring together a diverse team with expertise in roadway safety and environment with a good base knowledge of snow and ice control strategies and methods used by DOT and public works agencies in Maine. Policy type studies are their forte. Other entities would have to put together these diverse teams.

**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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The University of Maine Margaret Chase Smith Policy Center staff and students are well suited to conduct this study and will emphasize the independent analysis being completed. Through the work the team will have access to safety, environmental and weather data and be able to conduct rigorous statistical research analysis. The information will be presented and discussed with stakeholders using survey and interview tools. The students will be an integral part of the study, learning research practices and gaining real world experience. The study furthers the public service mission of the university since it directly involves stakeholders and provides information that can be used to inform public policy and debate. There will be opportunity to publish articles and share the knowledge gained.

**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.

N/A

**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:**

Bruce A. Van Note

**Date:**

11/18/19