

**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>	Brian Burne Highway Maintenance Engineer	<b>Office/Division/Program of Contract Administrator:</b>	Bureau of Maintenance & Operations, MaineDOT
<b>Est. Contract Amount:</b>	\$ 12,804.00	<b>Contract or RQS Number:</b>	RQS2019111400000000627
<b>Proposed Start Date:</b>	11/1/2019	<b>Proposed End Date:</b>	10/31/2020
<b>Vendor/Provider Name, City, State:</b>		Vaisala VC1000093804 194 South Taylor Ave Louisville, CO 80027	
<b>Short Description of Good or Service:</b>		Software and remote troubleshooting.	
<p>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>		<p><b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>11/21/19</u> To: <u>11/27/19</u></p>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1120191916	
<p><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.</p>			
<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"/>	<p><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></p>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p><b>Signature:</b></p>	
<input type="checkbox"/>		<b>Printed Name:</b>	<b>Date:</b>
<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 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;
	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: <ol style="list-style-type: none"> <li>(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;</li> <li>(2) A sharing of project responsibilities and, when appropriate, costs;</li> </ol> <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.

**This request is to purchase continued access to the proprietary software and remote troubleshooting services provided by the vendor that has supplied MaineDOT with its Road Weather Information Systems (RWIS). The software is essential to our ability to use these systems and it is proprietary.**

### 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.

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We cannot develop software for proprietary sensors. We can perform limited troubleshooting of the sensors, and we intend to, but we also need to be able to involve the vendor for those times when their advanced troubleshooting skills may be required.

**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 software price is reasonably comparable to other similar software packages associated with other similar systems.

**5. Future Competition**

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

For products like this, the competition normally occurs when the hardware is purchased. Once the hardware is purchased, you have essentially limited yourself to that company's software. However, we are working with two companies this year to compare the software systems and evaluate integration of other types of sensors.

**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**

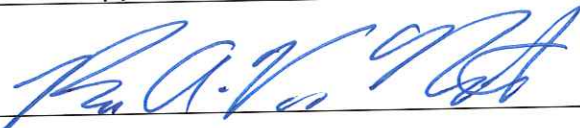
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The software is unique to the hardware currently owned by MaineDOT.

**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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<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>	Bruce A. Van Note
<b>Date:</b>	11/20/19



QUOTATION

146803 - 1

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Date

01-NOV-2019

Quoted By  
Shneider, Leon

Buyer's reference

Last date of validity  
30-JAN-2020

Sold To  
MAINE DEPARTMENT OF  
TRANSPORTATION  
16 STATE HOUSE STATION  
Augusta ME 04333  
United States

1014034

Delivery address/notify  
MAINE DEPARTMENT OF  
TRANSPORTATION  
16 STATE HOUSE STATION  
Augusta ME 04333  
United States

1014034

Delivery Terms  
EXW  
Augusta

Carriage by/via  
Best Way

From/via  
Boulder, US

Country of destination  
United States

Terms of payment  
Net Due in 30 Days

Delivery time

Pos	Description	Quantity	Unit Price	Total Price USD
1	RoadDSS Navigato r- 9 RWIS stations- Annual Contract Road Weather Data Management Service Navigator visualization per RWS Winter Performance Index report Alert Management Cloud Satellite map layer (US) Weather Radar map layer (US)	1 YEAR	12,804.00	12,804.00
Subtotal (Selling Price)				12,804.00
Tax Due	TAX 0%		0.00	
<b>Grand Total</b>			<b>USD</b>	<b>12,804.00</b>

Important information

Vaisala's General Conditions

General Conditions of Sale, General Conditions of Service, and General License Conditions of Vaisala, available via the links below, shall exclusively apply to any quotation and order acknowledgment by Vaisala, and the applicability of terms and conditions included in customer's request for offer, order or any other customer's document shall be deemed rejected by Vaisala.

<http://www.vaisala.com/DOC223577EN>

<http://www.vaisala.com/DOC223578EN>

<http://www.vaisala.com/DOC225649EN>

<http://www.vaisala.com/DOC235787>

<https://www.leosphere.com/terms-and-conditions/>

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BANK ACCOUNT #7056403001

Fed Id#  
GST#  
QST#

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Restricted