

PM-20858
State of Maine
Waiver of Competitive Bidding Request Form

Requesting Department's Contract Administrator:	William Boettger CS-Kim Lawrence	Office/Division/Program of Contract Administrator:	MaineDOT Environmental Office
Est. Contract Amount:	\$ 15,000	Contract or RQS Number:	
Proposed Start Date:	1/1/2020	Proposed End Date:	12/31/2020
Vendor/Provider Name, City, State:	MaineGeneral Medical Center-Workplace Health Augusta ME		
Short Description of Good or Service:	1910.120 OSHA compliant physicals		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p style="text-align: center;">Posting dates on Division of Procurement Services website: From: <u>11/25/2019</u> To: <u>12/01/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1120191925		
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>	<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: _____	
<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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		

State of Maine Waiver of Competitive Bidding Request Form

	<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></p> <p>http://www.maine.gov/purchases/info/forms/govcoop.doc.</p>	
	<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;</p>	
	<p>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.</p>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	
<p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p>		
<p>2. Description of Specific Need</p> <p>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>		
<p>MaineDOT has a group of thirteen (13) individuals that are occasionally exposed to harmful chemicals during a typical work year. Therefore, those individuals are enrolled in a MaineDOT health monitoring program that requests yearly 1910.120 OSHA compliant physicals be performed to determine if an exposure to chemicals has occurred. MaineDOT requires that the vendor perform these physicals according to OSHA requirements and keep records of results and to share those records with MaineDOT. The vendor must also be able to work with MaineDOT employees to stay on schedule by setting up and organizing times with the environmental office for these physicals. The vendor must be available 24/7 in case of an emergency. If exposure is found in one of our workers The vendor must be available to assist in determining the extent/seriousness of the exposure, possible treatment options, and any other assistance MaineDOT needs for the exposed worker.</p>		
<p>3. Availability of other Public Resources</p> <p>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.</p>		

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

State of Maine's government does not perform 1910.120 OSHA compliant physicals.

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**.

MaineGeneral has performed these services for many years, and MaineDOT feels that their prices for services are fair and reasonable.

5. Future Competition

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

MaineDOT contracted with MaineGeneral after they were the only proposal received from RFP#201409836. The Division of Procurement Services requested that we take a year to do market research as to whether or not MaineGeneral/Workplace Health is the only entity that can provide this service to the extent that MaineDOT requires to follow this OSHA requirements. If after the market research we do find other vendors we will gladly go out to RFP for this service.

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.

MaineGeneral/Workplace Health has provided MaineDOT with services above and beyond the 1910.120 OSHA compliant physicals requirements for 4 years. They are available 24/7 for emergencies. They understand and provide the OSHA requirements to keep MaineDOT in in compliance and to protect employees. They help to insure proper records are kept and organized for OSHA requirements. They offer many treatment options for the exposed employee.

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.

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

N/A	
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:	Bruce A. Van Note
Date:	11-20-19