

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.

Requesting Department's Contract Administrator:	Michelle Newbegin	Office/Division/Program of Contract Administrator:	DACF/QAR
Est. Contract Amount:	\$ 10,000.00	Contract or RQS Number:	20191113*1529
Proposed Start Date:	11/20/2019	Proposed End Date:	05/31/2020
Vendor/Provider Name, City, State:	Shaw and Son Outdoor Maintenance Augusta, ME 04330		
Short Description of Good or Service:	Plowing and sanding at the Department's Cony Road Metrology Lab		
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 align="center">To be completed by the Division of Procurement Services</p> Posting dates on Division of Procurement Services website: From: <u>11/25/2019</u> To: <u>12/01/2019</u>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1120191926		
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 Governor's "designee") sign and date on the right.</i>		By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. Signature:	
		Printed Name:	Date:
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			

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	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;
X	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.

The Department's 333 Cony Road Metrology Laboratory is owned by DACF, not the State of Maine. Therefore, the building and its grounds are not serviced by the state's Bureau of General Services and the responsibility for snow removal and sanding belongs to DACF.

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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.

333 Cony Road is not serviced by the BGS. Currently, Weights & Measures staff are being pulled from the field to complete this service for every storm. Because there are paying tenants in the building in addition to W & M staff, snow removal must take place prior to 8 AM. It also must take place regardless of whether the State of Maine is closed due to inclement weather. This has necessitated considerable compensatory and overtime costs. There were no responses to the open enrollment for the prequalified vendor list for property management services from vendors in the Capital area.

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 plowing and sanding rates quoted to DACF for FY20 are the same as were quoted FY19.

5. Future Competition

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

The Division of Quality Assurance and Regulations (QAR) plans to issue an RFP for year-round outdoor maintenance services at 333 Cony Road in 2020. It was QAR's intention to issue an RFP for 2019 but due to an extensive repaving project at 333 Cony Road which will not be completed until Spring of 2020, it would not be possible for vendors to give an estimate for these services.

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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.

No vendors responded to the open enrollment for the prequalified vendor list for property management services in the Capital area.

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:

Randy Charle
Randy Charle

Date:

11/15/09