

# 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>	Lt Aaron Hayden Amy Gower	<b>Office/Division/Program of Contract Administrator:</b>	Office of Public Safety – Maine State Police - CVEU
<b>Est. Contract Amount:</b>	\$ 830,000	<b>Contract or RQS Number:</b>	CT-16A- 20191121*1650
<b>Proposed Start Date:</b>	8/01/2019	<b>Proposed End Date:</b>	9/30/2020
<b>Vendor/Provider Name, City, State</b>	Intelligent Imaging Systems (IIS)		
<b>Short Description of Good or Service:</b>	Smart Roadside Virtual Deployments at Remote Inspections Sites (location Rt 236 in Eliot)		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>11/27/2019</u> To: <u>12/3/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1120191944	
<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.			
<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 Procurement Services 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. <b>Signature:</b>	
		<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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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:		

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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 current system at the Kittery Scale facility was installed in 2008 under a contract with Mettler-Toledo. The system contains components developed by Intelligent Imaging Systems (IIS). IIS was awarded the contract on their own for the York Scale project, which was completed in 2015.

Our goal is to have one vendor/system as we move forward in developing a commercial motor vehicle (CMV) screening system (CMVSS) at the two current facilities, the one granted facility in Elliot on Rt. 236 and the proposed facility on Rt. 1 in Kittery. The facility in York is state of the art, and we recently entered into a maintenance agreement with IIS for that facility. The Kittery facility has been upgraded with IIS CMVSS components, and once the warranty period expires on that project, to merge maintenance agreements for both, saving time, potential funding, and duplication of effort in preparing and executing maintenance agreements.

We have applied for funding this year to upgrade our bypass locations in Eliot and York to create full "virtual weigh stations" at both sites. Our long-term goal is to have these virtual weigh stations to track and verify information for enforcement purposes and keep our roadways safer for drivers in Maine. Communication capabilities between these sites is imperative to achieve this goal and will provide much needed data required by our federal partners that provide monetary support towards highway safety.

Again, we have invested heavily in the IIS system in Kittery and York, and feel that it only makes sense to stay with one vendor/system for the remaining two virtual weigh stations. One system providing the necessary communication line is necessary for the this system to work. Additionally, history has proven that even if several vendors provide equipment that is compatible, it creates issues where conflicts arise over ownership/responsibility of equipment and maintenance.

## 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.

This is not available by any state or federal entity.

## 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**.

IIS is a leader in sales and installations of these systems in other states, and we will be able to compare our historical costs here, and to the costs to of similar systems elsewhere to ensure that the fees are and remain 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.

# State of Maine Waiver of Competitive Bidding Request Form

Some other existing weigh stations in the State use IIS equipment and support and, as it is our intent is to develop a system of screening systems, it is critical to develop a relationship with one vendor to provide a network of this proprietary equipment. Given the uniqueness of this vendor's ability to support the needs of both the CVEU and DOT, we will not be looking for another vendor unless circumstances arise that make this vendor not the best choice or fit for these State of Maine departments.

**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 State of Maine has invested heavily in the IIS system in York, Kittery and feel that it only makes sense to stay with one vendor/system. Although there are many facets to the project where some of the equipment could be purchased from more than one vendor, as we saw when this was done in Kittery with the initial install, when more than one vendor is involved in the same project, conflicts arise over ownership/responsibility of equipment and maintenance. This situation put the integrity and functionality of the entire system at risk as we have been unable to resolve the conflicts and operated without any maintenance for years resulting in the bypass routes being cannibalized in order to keep the Kittery station functioning to the point that the bypass routes are no longer operational.

This has created a loss of data, a loss of safety initiatives and has provide us with lessons learned!

Our long-term plan is to develop a southern CMVSS, and to ensure maximum efficiency and functionality of the "system", it will be a requirement that the system be able to communicate between facilities/sites. We plan to apply for funding this year to restore and upgrade our bypass locations in Eliot and York to create full "virtual weigh stations" at both sites. Communication between these sites is imperative and is contingent upon the same communication system be used at all the sites. The IIS components that make up the CMVSS are unique proprietary equipment and software and are already functional at the York weigh station.

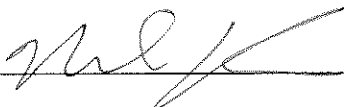
Many of the components of the Smart Roadside system at the York and Kittery weigh stations are custom designed and manufactured for the specific purpose within the enforcement system for Maine State Police. Additionally, where third party components are utilized, they are integrated into a unique and proprietary system including software and hardware components. As a result, only the manufacturer of the system (IIS) has the technical knowhow and background to perform service, repair and maintenance of these systems. IIS technicians are specially trained in these systems, and have the documentation, support and tools to accomplish this work. It was based on this that Maine DOT just executed a multi-year maintenance contract with IIS for the York weigh station. It our intent to ensure that Kittery contract for maintenance at the end of the warrantee coverage and that the statewide virtual weigh stations be covered by this vendor in order to negotiate a reduction in the maintenance costs due to volume.

**5**

## **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>	Michael J. Sauschuck, Commissioner
<b>Date:</b>	8-21-19