



PROCUREMENT JUSTIFICATION FORM (PJF)

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services intranet site (Forms page) for additional instructions.

PART I: OVERVIEW			
Department Office/Division/Program:		DHHS/Maine CDC/HETL	
Department Contract Administrator or Grant Coordinator:		Chris Moiles / Brianne Carrero	
(If applicable) Department Reference #:		CD0-23-54SA18	
Amount: (Contract/Amendment/Grant)		\$ 72,805.56	Advantage CT / RQS #: RQS 10A 20220919*0373
CONTRACT	Proposed Start Date:	9/27/2022	Proposed End Date: 9/26/2023
AMENDMENT	Original Start Date:		Effective Date:
	Previous End Date:		New End Date:
GRANT	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:		Agilent Technologies Wilmington DE	
Brief Description of Goods/Services/Grant:		Service Agreement – Service contract for Agilent instruments for LRN-C and the organics department for the environmental section of HETL.	

PART II: JUSTIFICATION FOR VENDOR SELECTION			
Check the box below for the justification(s) that applies to this request. (Check all that apply.)			
<input type="checkbox"/>	A. Competitive Process	<input type="checkbox"/>	G. Grant
<input type="checkbox"/>	B. Amendment	<input type="checkbox"/>	H. State Statute/Agency Directed
<input checked="" type="checkbox"/>	C. Single Source/Unique Vendor	<input type="checkbox"/>	I. Federal Agency Directed
<input type="checkbox"/>	D. Proprietary/Copyright/Patents	<input type="checkbox"/>	J. Willing and Qualified
<input type="checkbox"/>	E. Emergency	<input type="checkbox"/>	K. Client Choice
<input type="checkbox"/>	F. University Cooperative Project	<input type="checkbox"/>	L. Other Authorization

Please respond to ALL of the questions in the following sections.

PART III: SUPPLEMENTAL INFORMATION

1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

Funding of \$72,805.56 will be needed to renew the required Service Agreements for Agilent instruments that are used for testing needs in two categories: i) emergency preparedness as defined by the federal CDC and ii) analytical support for the Maine Drinking Water Program.

For the State of Maine to meet a Level 2 status on the Chemical Terrorism 2019-2024 Health Emergency Preparedness (PHEP) Notice of Funding Opportunity (NOFO) Federal Grant, the Laboratory Response Network for Chemical Threats (LRN-C) program dictates that Level 1 and Level 2 laboratories are required to obtain and sustain maintenance agreements for LRN-C equipment valued at more than \$25,000. The instrument service must be performed by the manufacturer or a company certified by the manufacturer. Two of the seven instruments included in this service contract run LRN-C required methods: a) VOC Analysis in Whole Human Blood and b) Tetramine Analysis in Human Urine. These methods are CORE (mandatory) methods in the 2019-2024 Health Emergency Preparedness (PHEP) Notice of Funding Opportunity (NOFO) Federal Grant requirements.

The Proficiency Test Challenges set forth by the Federal CDC LRN-C Program must be completed within two-week windows. Service agreements allow for annual Preventive Maintenance that would minimize any mechanical issues that could impact the ability of the Proficiency Test Challenges to be completed within the required time frame and allow for onsite technical service calls and repairs if an issue with the instrument is to occur within the service agreement year. To protect future federal funding, these considerations must be taken to ensure everything is completed correctly and ensure we are compliant with the grant requirements.

"Per the 2019-2024 Health Emergency Preparedness (PHEP) Notice of Funding Opportunity (NOFO), PHEP recipients must work with public health laboratory staff to ensure adherence to the LRN-C requirements (see below)" and "The Laboratory Response Network for Chemical Threats (LRN-C) is a national network of local and state public health laboratories with capabilities for responding to chemical terrorism and other public health emergencies. As additional public health threats continue to emerge, CDC must ensure that state, local, tribal, and territorial public health systems remain effectively prepared and ready to respond to the public health consequences of incidents or events whose scale, rapid onset, or unpredictability stresses the public health system."

As noted earlier: "LRN-C Level 1 and Level 2 laboratories are required to obtain and sustain maintenance agreements for LRN-C equipment valued at more than \$25,000. Instrument service must be performed by the manufacturer or a company certified by the manufacturer"

The environmental section at the HETL runs US EPA methods for detecting regulated organic chemicals and regulated metals that the Maine Drinking Water Program requires for all drinking water facilities. Service agreement contracts are required on all instruments that run US EPA methods to ensure that all regulated testing requirements are fulfilled for the Maine Drinking Water Program. In addition, the regulated metals component of the testing program also satisfies the laboratory's commitment to support the state's lead abatement and screening programs, for example, SP 40, LD 153, "An Act to Strengthen Testing for Lead in School Drinking Water."

The Environmental Protection Agency states, "Service contracts or internal maintenance protocols and maintenance records should be available. Maintenance, calibration, and cleaning should be conducted at least annually by a qualified independent technician. In cases where a laboratory is geographically isolated

PART III: SUPPLEMENTAL INFORMATION

such that an annual visit from a technician is impractical, the certification officer may modify or waive the need for a technician."

Effective 09/27/2022, Maine Health and Environmental Testing Lab's service agreement from 09/26/2021-09/26/2022, will expire. This could potentially jeopardize HETL LRN-C program ability to perform the required CORE methods and adherence to the PHEP agreement for 2019-2024. It can also jeopardize the required environmental testing for the Maine Drinking Water Program.

2. Provide a brief justification for the selected vendor to supplement the response in Part II. Reference the RFP number, if applicable.

As indicated in Chemical Terrorism 2019-2024 Health Emergency Preparedness (PHEP) Notice of Funding Opportunity (NOFO) Federal Grant, the instrument service must be performed by the manufacturer, or a company certified by the manufacturer. This eliminates employees of the State of Maine as potential service agents.

Agilent does not certify any other company in New England. Agilent can make sole source claims on the following:

- Agilent is the sole source for factory-recommended replacement parts
 - Agilent is the sole source provider of Agilent's Proprietary software updates
 - Agilent is the sole source provider of Agilent Factory Authorized training for Agilent Factory Authorized service representatives
 - Agilent is sole source for proprietary factory recommended upgrades and service notes
 - Agilent is the sole source contact for factory authorized escalation services to resolve difficult problems.
- This includes escalation to Agilent's factory for expertise and possibly include replacement of an instrument, if deemed necessary by Agilent.

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

Agilent Technologies applied an 11% discount to reflect our operation as the public health laboratory for the State of Maine and the recognition of our customer status.

4. Describe the plan for future competition for the goods or services.


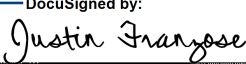
The State of Maine benefits from the federal funding associated with the 2019-2024 Health Emergency Preparedness (PHEP) grant, so the future efforts to secure service agreements will abide with the requirements of the grant.

PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)

Does this request utilize ARPA/MJRP funds?

Yes – If Yes, please attach the approved Business Case(s).

No – If No, proceed to Part V.

PART V: APPROVALS		
The signatures below indicate approval of this procurement request.		
Signature of requesting Department's Commissioner (or designee):		
Typed Name:	<i>Mr Mann</i>	Date: 4-3-22
Signature of DAFS Procurement Official:	DocuSigned by: 	
Typed Name:	AEED9C7B3A8044E... Justin Franzose	Date: 11/8/2022