

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:	Amy Gower	Office/Division/Program of Contract Administrator:	Office of Public Safety – Maine State Police
Est. Contract Amount:	\$ 32,472.00	Contract or RQS Number:	RQS-16A-20191204*0683
Proposed Start Date:	12/1/2019	Proposed End Date:	3/30/2020
Vendor/Provider Name, City, State	JH Technologies 213 Hammond Ave Fremont, CA 94539		
Short Description of Good or Service:	Leica S9 i Stereomicroscope		
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: 12/10/2019 To: 12/16/2019	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192009	
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 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>	<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:
	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;		
	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:		

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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 Maine State Police Crime Lab is seeking to use grant funding to purchase (4) **STEREOMICROSCOPES** for use in the biological screening of hairs and other potential DNA evidence. These scopes would allow our biological screeners to help identify and document biological evidence that may be very difficult to identify with the naked eye. Our lab is updating all of our workstations for our biological screeners using funds from this grant and others to allow them the ability to properly document such microscopic evidence. By not having these scopes, our lab spends a great deal of time looking for evidence when it could be much easier with this tool at their workbench. This effort to update our workbenches with stereoscopes is one small part of the whole DNA profiling process beginning with collecting the sample from the evidence itself and verifying the viability of the evidence for DNA.

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**.

The supervisor of the forensic chemistry unit requested a quote for only one of these stereoscopes earlier this year. The stereoscope was subsequently put out for bid and purchase through the State of Maine bidding process this past spring, less than eight months ago. The company who supplied the quote was also the **only company** to participate in the competitive bidding process from earlier this year. The most recent request for a quote from this same company for four additional scopes is very close in amount to the earlier quote from the previous bidding process but for some additional minor add-ons that are basic upgrades to the original scope purchased from the bidding process this past spring.

5. Future Competition

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

By obtaining these stereoscopes, our lab may look to purchase additional technologies to supplement the optical enhancement upgrades for future DNA evidence or trace evidence needs.

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.

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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.

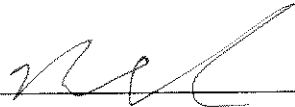
The Maine State Police Crime Lab is looking to purchase these four new stereoscopes from the same vendor as was the initial stereoscope originally purchased through the competitive bidding process this past spring. This vendor was the only vendor to bid on this same stereoscope less than eight months ago. The Maine State Police Crime Laboratory would like to purchase this equipment from the same vendor so that the equipment, add-on and upgrades are all from the same manufacturer and vendor for warranty, equipment service, customer service and quality assurance purposes. Adding the same equipment from several different vendors makes training, warranty applications, equipment service, customer service and quality assurance needs far more complicated than working with one vendor. Having the same equipment from different vendors, each with different training needs, warranties service requirements and modifications decreases the efficiency of our operation and often causes unforeseen problems.

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:

Michael J. Sauschuck, Commissioner

Date:

12-5-19