

PM-21280
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:	Jason Hall, TEFAP Director	Office/Division/Program of Contract Administrator:	Agriculture, Conservation & Forestry, TEFAP				
Est. Contract Amount:	\$64,700.00 (Amended: \$38,700.00)	Contract or RQS Number:	CT 01A 20180906*0896				
Proposed Start Date:	October 1, 2018	Proposed End Date:	December 31, 2019				
Vendor/Provider Name, City, State:		Wayside Food Program Portland, ME					
Short Description of Good or Service:		Facilitate the dry and frozen storage of USDA foods for TEFAP, collect inventory data, distribution of USDA foods statewide to over 240 ending hunger organizations, and monitoring/inspections of recipient agencies.					
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: <u>12/16/2019</u> To: <u>12/22/2019</u>					
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192049					
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: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Printed Name:</td> <td style="border: none;">Date:</td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		Printed Name:	Date:		
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						

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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;
	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 Emergency Food Assistance Program (TEFAP) has grown over the last few years creating a larger need to efficiently facilitate the program. TEFAP's immediate needs necessary to fulfill program are: larger storage for both dry and frozen USDA foods, fleet of trucks and network to distribute USDA foods statewide; field representatives to conduct inspections of non-profits and conduct allocations statewide; data collection and inventory reporting; ability to initiate recalls; regional meetings with ending hunger organizations to conduct training on food safety, civil rights, and best practices; and emergency response capabilities.

This amendment is for:

To accommodate extra services provided for Trade Mitigation orders from USDA, as well as additional TEFAP distribution services provided during the year. The additional \$30,000.00 in administration funds must be for services provided between 10/01/2018 and 09/30/2019. Along with:

Part I "Agreement Summary", Paragraph A is amended to add the following language:

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“Additional funds are awarded under the *Trade Mitigation Food Purchase and Distribution Program* in the amount of \$8,700.00 under CFDA # 10.178. These funds, made available to the Provider under this Amendment, shall be used in accordance with the *Terms and Conditions for Funds Available for Storage and Distribution of Trade Mitigation Program Foods.*”

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.

We are staffed with 2 persons at the program office and are federally mandated to pass through 40% of administrative funds to ending hunger organizations.

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**.

Costs are based on current costs associated with warehousing and distribution/trucking statewide. The department has concluded that this approach is fair, reasonable, and efficient.

5. Future Competition

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

There is no other hunger relief organization in the state with a fleet of trucks, network of agencies, and warehouse and freezer capabilities needed to perform the services required of this Program.

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.

Wayside Food Programs is uniquely qualified for multiple reasons: 30+ years of expertise in hunger relief; a respected leader and efficient operation to effectively distribute USDA foods; shared network of ending hunger organizations; fleet of trucks for countywide distributions; field representatives for inspections and monitoring of non-profits; emergency response capabilities; and all the necessary equipment to assemble loads of food (lifts, volunteers and staff, reefer units, etc.).

This is one of only three vendors who can receive these amended funds.

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 Charrette
Randy Charrette

Date:

12/13/19