

## 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. Michael Baker Amy Gower	<b>Office/Division/Program of Contract Administrator:</b>	Public Safety – Maine State Police
<b>Est. Contract Amount:</b>	\$ 45,385.00	<b>Contract or RQS Number:</b>	RQS16A-20191125*0660
<b>Proposed Start Date:</b>	11/1/2019	<b>Proposed End Date:</b>	3/01/2020
<b>Vendor/Provider Name, City, State:</b>		Viken Detection 330 Nevada Street Newton, MA 02460	
<b>Short Description of Good or Service:</b>		X- Ray Imager	
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 style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> Posting dates on Division of <b>Procurement Services</b> website: From: <u>12/18/2019</u> To: <u>12/24/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1220192061	
<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 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 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;		
<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> <b>Signature:</b>  <b>Printed Name:</b> _____ <b>Date:</b> _____	

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	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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></p>
	<p>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;</p>
	<p>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.</p>
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>

**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.

With the ever-evolving opioid epidemic and ever evolving drug threat picture nationwide, New England, and specifically Maine, policing in general needs to advance with their tactics, training, and equipment. Drug traffickers are becoming more and more sophisticated as has their methods of concealment. Complex manufactured compartments are becoming a common methodology of concealing contraband, weapons, and currency throughout the nation including the New England region. As a result of this there is increased liability and potential for damage to vehicles and vehicle components. If a Trooper suspects they have located a manufactured compartment they are faced with a decision to either remove panels from a vehicle, trace wires, or pry on areas where they believe the compartment is located. The use of the Viken Detection system the Trooper can scan the area and identify contraband, weapons, or currency as well as to readily identify and locate the manufactured compartment. This saves both time and potential liability for damage. Once the compartment is located Troopers can then take their time and trace the wiring to determine how to effectively open the compartment rather than doing damage to the vehicle. There is an inherent safety risk associated with trying to locate and identify these compartments through methods such as cutting and prying. These methods could lead to breaking open bags of suspected fentanyl and other

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dangerous drugs causing potential exposure. The use of this technology is also a timesaver and will cut down on the time a Trooper is investigating these events by making them more efficient. We have used this technology on 5 occasions and within minutes were able to determine there was no contraband in the areas scanned. This technology is presently being used in New Hampshire and the NH State Police has assisted us on these occasions.

**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 and state 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 costs associated with the proprietary device is the same price today as it was 3 years ago when New Hampshire State Police purchased the same unit. A lesser device on the market which requires additional hardware is listed for a slightly lower cost but is not as effective as it requires 2 people to operate where as the Viken can be operated by 1 person and does not require a standalone monitor..

**5. Future Competition**

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

After obtaining this X-ray Imager, Maine State Police will determine if purchasing additional technologies for other troop locations is beneficial

**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.

VIKEN Detection is the manufacturer and sole US distributor of the HBI-120 hand held backscatter x-ray imager. It is not offered domestically through distributors or dealers.

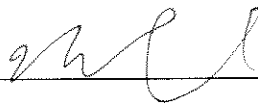
The VIKEN Detection instrument is the lightest, smallest dimension, and safest handheld backscatter x-ray instrument available and ever made. With the display built into the body of the device, it does not have the inconvenience of a clip-on, attachable or detachable tablet. VIKEN handheld x-ray unit is the only one that uses a flexible, fully-supported operating system that is integrated into the scanning unit - without the use of a separate, or attachable/detachable system-control tablet that requires a wireless connection to remain intact. With a two-piece system, when the tablet is not charged, the whole system is in operable. Also, there is no proprietary software suite to learn to use the instrument. While other x-ray backscatter imagers are available, the HBI-120 is the first ever handheld imager that can scan up to a square foot per second with only 5W of power, and still produce high-contrast backscatter x-ray images of concealed threats through steel vehicle fenders, steel doors, bumpers, exhaust manifolds, dashboards, seats and tires. It can also be used to find concealed threats behind walls, in shipping containers, and in boxes and packages. By producing high-quality images while operating at the lowest wattage available on the market, we provide the smallest, lightest, and safest unit on the market, while conforming to ALARA.

**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:**

12-10-19