

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:	\$ 32 000.00	Contract or RQS Number:	RQS-16A-201912
Proposed Start Date:	12/1/2019	Proposed End Date:	3/30/2020
Vendor/Provider Name, City, State	Faro Technologies, Inc 250 Technology Park Lake Mary, FL 32746-7115		
Short Description of Good or Service:	Laser Scanner FocusS		
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>12/20/2019</u> To: <u>12/26/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192080	
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 Evidence Response Team responds to events across the State of Maine in order to document, process, analyze and sometimes reconstruct complicated crime scenes. Crime scenes by their very nature are unpredictable, very complicated and uncontrolled environments. Because crime scenes are often replete with biohazards, weapons, needles and unpredictable structural integrity they are inherently dangerous and require a high degree of documentation. In many court cases, especially homicides, a large degree of attention is directed at the work done at the crime scene to properly document the scene in situ prior to the disruption that is inherent with evidence collection and chemical processing. Our Maine State Police Evidence Response Team has an obligation to respond to such settings and professionally document the scenes for circumstances and conditions, possibly reconstructing a sequence of events and taking samples of evidence. Having a properly and professionally documented crime scene benefits both the accused and the accuser. Taking samples of evidence sometimes requires the disturbance of the item from its final rest and often times requires the removal and/or disassembly of parts of buildings or structures creating additional scene disturbance and further complicating the investigation. After the scene has been disturbed, it can never be reconstructed exactly as it was.

By obtaining a 3D Crime Scene Scanner from FARO, this instrument will give our team the distinct ability to record the condition of the crime scene and related artifacts of evidence in a way that can aid those involved in the investigation or the triers of fact with understanding how the crime scene presented when the police were first notified of the incident. Having this equipment, the ERT could process these scenes with greater confidence and more efficiently with the knowledge that they have used the most modern technology to record critical elements of the scene prior the disruption and disturbance that comes with the physical collection of any scene evidence.

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 commander of the evidence response team requested a quote for the product which is less expensive than other products and models from other manufacturers. This product is without a yearly maintenance fee which is part of the proposal for like products from other manufacturers.

5. Future Competition

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

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This is a new kind of technology our agency would be employing at crime scenes in the State of Maine. Depending on our use, success or failure of performance and the potential need for additional technology of this kind, competition for similar instruments could be considered in the future.

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 Maine State Police Evidence Response Team members and leadership have been meeting with Evidence Response Teams from the other New England states to try and standardize procedures, equipment and training. This effort is being made so that states could share resources and request assistance from other New England teams in the event that support or assistance was needed for an extraordinary event. We came to understand that many of these partner agencies use these FARO scanners in their states at their homicide scenes. Our team hopes to purchase this particular scanner in an effort to obtain the same kind of equipment used by our partner agencies so that we could share training, support and resources that would come with a regional response to Maine by other evidence technicians from other states should that ever become necessary. Also, being able to seek local support by other professionals in the field who already have experience employing this scanner at their scenes is itself an indispensable benefit.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	Michael J. Sauschuck, Commissioner
Date:	12-5-19