

**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>	Tom Gildersleeve, Lauren Brown	<b>Office/Division/Program of Contract Administrator:</b>	DMR/Bureau of Marine Science
<b>Est. Contract Amount:</b>	\$ 286,875.00	<b>Contract or RQS Number:</b>	CT-13A-20191211*1838
<b>Proposed Start Date:</b>	12/30/2019	<b>Proposed End Date:</b>	6/30/2020
<b>Vendor/Provider Name, City, State:</b>	Honeywell International Inc 207 Larrabee Rd Westbrook, ME 04092 VC1000036763		
<b>Short Description of Good or Service:</b>	DMR Legacy Controller Upgrade Project		
<b>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.</b>	<p style="text-align: center;"><b><i>To be completed by the Division of Procurement Services</i></b></p> <p style="text-align: center;">Posting dates on Division of <i>Procurement Services</i> website: From: <u>12/23/2019</u> To: <u>12/30/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1220192091		
<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;		
<p><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></p>		<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p><b>Signature:</b></p>	
		<b>Printed Name:</b>	<b>Date:</b>

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	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
	<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:</i>  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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;
	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 current system is more than 25+ years old and has outlived its useful life. The family of plant controllers in use, that are called "M-Cells", have been discontinued and are no longer in production. In addition, spare / replacement parts are becoming more difficult to obtain and resources to service these controllers will not be available much longer because the technicians experienced with legacy controllers are retiring and new training is not being offered to staff. This, along with updating Smart Rooms around the facility, will increase efficiency and save the Department money wasted on inefficient heating and cooling systems.

**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.

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Due to the unique infrastructure of Honeywell's software programs which is indigenous to the company, along with trained personnel who are familiar with the software and have the capabilities to upgrade our mechanical system controls and the Honeywell Enterprise Building Integrator to conclude the final stages of improvements made in the past. These are proprietary systems relating to monitoring and increasing efficiency of heating and cooling for our facility.

#### 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 SOM utilizes Honeywell as their primary resource for servicing of their HVAC systems. Their pricing has been discussed with BGS and are under advisement to proceed. For this reason, as well as equipment compatibility issues no other quotes have been obtained.

#### 5. Future Competition

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

This equipment is proprietary to Honeywell. DMR will continue to utilize Honeywell as their primary vendor for servicing of our HVAC systems which is consistent with BGS recommended provider for this type of service.

**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.

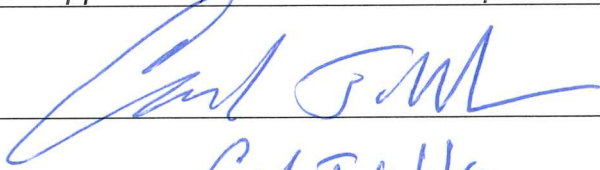
Honeywell has a track record with the DMR and quick response time. They have personnel available 24/7 and Technicians who are willing to walk staff through any anomalies that arise when called, making for a rapid turn-around, thus eliminating unnecessary waste (whether a room is too hot or too cold due to an inoperative M-cell or a communication issue with the main Honeywell computer). Their familiarity with the system enables the dept. to rectify the issues quickly which in turn reduces the facilities operational costs and ensures maximum efficiency.

Contractor has experienced Technicians familiar with Marine Resources particular applications, along with software unique to this system on-hand, thus minimizing any unnecessary or prolonged down time.

#### 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.

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<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
<b>Printed Name:</b>	Carl T. Wilson
<b>Date:</b>	12-12-19

010-13A-3200-01-7101 \$286,875.00