

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.

DHHS/DCM Contract Administrator:	Chris Moiles	Office/Division/Program of Contract Administrator:	DHHS, MeCDC, DC, HETL, Sue Dowdy
Est. Contract Amount:	\$ 66,483.28	Contract or RQS Number:	RQS 10A 2019122*726
Coverdall Grant 013.10A.2340.03.7206		DHHS Agreement Number:	CD0-20-54CAP2
Proposed Start Date:	11/12/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State:		Agilent Technologies 2850 Centerville Rd Wilmington, DE 19808-1610	
Short Description of Good or Service:		GC/MS purchase to analyze seized drug samples	
<p>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>		<p>To be completed by the Division of Procurement Services Posting dates on Division of <i>Procurement Services</i> website: From: <u>12/23/2019</u> To: <u>12/29/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192107	
<p>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.</p>			
<p>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;</p>			
<p>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;</p>			
<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>Signature:</p>	
		Printed Name:	Date:

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X	<p>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>	
	<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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>	
<p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p>		
<p>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.</p>		
<p>Purchase of a new GC/MS 5977B MSD Bundle with 8860 GC for use in the Solid Dose Drug section of the Forensic Chemistry Section. This instrument will be reimbursed with Coverdell Grant Funds and is required to be purchased to fulfill the grant.</p> <p>The Forensic Chemistry section of HETL is responsible for identifying seized drugs submitted by law enforcement agencies and the purchase of a new GC/MS 5977B MSD Bundle with 8860 GC will allow the Forensic Chemistry section to continue performing this work without delay. The GC/MS is the main instrument used to perform this testing and confirmation, and the current instrumentation is approximately 20 years old and is reaching the end of its useful life.</p> <p>This current instrument requires various repairs and service calls to continue operation, which delays</p>		

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turnaround times and adds to the current backlog. Replacing this instrument will allow for a reduction in turnaround time, and greater sensitivity which would also reduce the time it takes to analyze each sample.

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.

There are no governmental entities that can provide these services.

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**.

HETL wishes to waive competitive bids due to the desire to replace the current instrument with an updated version. This instrument is familiar to all analysts in the laboratory, which allows for ease of use and maintenance which analysts have become accustomed to having worked with the same instrument for a prolonged period of time. The software is also the same as the software currently in use, which would prevent the need for extra validation studies to get the instrument online for use. A discount of 29% has already been applied to the quote.

5. Future Competition

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

The instrument being ordered uses the same software currently in use. Changing vendors would require additional validations to be performed to verify instrumentation and software.

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

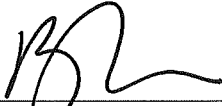
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The instrument being ordered is the same configuration and uses the same software currently in use. Changing vendors would require additional validations to be performed to verify instrumentation and software. This would also cause a delay in analysts learning a new instrument after having used the same instrumentation for around 20 years.

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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.

This instrument must be purchased and delivered before the end of the Coverdale Grant Period of 12/31/19..

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:	Ben Marr
Date:	12/20/19