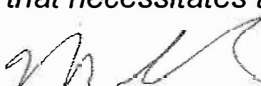


## State of Maine Waiver of Competitive Bidding Request Form

**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. Scott Gosselin	<b>Office/Division/Program of Contract Administrator:</b>	Department of Public Safety
<b>Est. Contract Amount:</b>	\$ 9,720	<b>Contract or RQS Number:</b>	RQS-16A-20191205*0688
<b>Proposed Start Date:</b>	1/1/2020	<b>Proposed End Date:</b>	12/31/2020
<b>Vendor/Provider Name, City, State:</b>		Life Technologies Corporation 5781 Van Allen Way, Carlsbad, CA 92008	
<b>Short Description of Good or Service:</b>		DNA Analysis Software	
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><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:          From: 12/27/2019 To: 1/2/2020</p>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1220192132	
<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"/>	<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> <p><b>Printed Name:</b> Michael J. Sauschuck</p> <p><b>Date:</b> 12-24-19</p>	
<input 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;		

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	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:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.

Our lab is seeking permission to purchase **DNA ANALYSIS SOFTWARE (GENEMAPPER)**. Life Technologies DNA analysis software GeneMapper ID-X (GM ID-X) is required on the new instruments we purchased to analyze and interpret all of the DNA profiles we generate. It should be noted that these are new instruments and require this new software from this company.

**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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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 cost for this software was negotiated with this company in consideration of the overall larger purchase from this same company of their genetic analyzers. The cost was negotiated with long standing partners with whom we trust and with whom we have purchased a significant volume of equipment and software in the past.

**5. Future Competition**

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

Our lab has no intention of changing the software for these genetic analyzers now that the instruments have been validated by an outside company under contract. We do not expect any additional competitive opportunities for genetic software unless the instrument technology changes or we are forced to change which kits we use for DNA analysis.

**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.

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**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

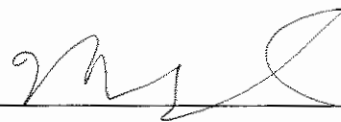
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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.

Our lab is looking to purchase this software using the same grant money (from a different grant year) with which the new genetic analyzers have been purchased. These federal grant funds have been approved by the grant manager and the funds from this grant will expire at the end of the calendar year 2019.

We only have one license for this software for seven DNA Analysts, and as such we need six more licenses in order to effectively and efficiently analyze the large amounts of DNA data generated from casework items and database samples. We've recently used federal grant funds to validate three DNA profiling kits on these new 3500 Genetic Analyzers using the GM ID-X software for which we are requesting more licenses here. Without this software, we would have to discard all of the hard work and time we've put into these validations over the past 12 months and then re-validate the Genetic Analyzers and DNA profiling kits with a different software package.

**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:**

12-24-19