

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, DS, HETL
Est. Contract Amount:	\$ 7,510.	Contract or RQS Number:	RQS 20191205*687
		Purchasing Maine ID:	
		DHHS Agreement Number:	CD0-20-54SA27
Proposed Start Date:	12/04/2019	Proposed End Date:	1/15/2020
Vendor/Provider Name, City, State	Agilent Technologies/Wilmington, DE19808-1610		
Short Description of Good or Service:	Extended replacement services for Power Supply for an Agilent 7500 ICP/MS		
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 <i>Procurement Services</i> website: From: <u>12/30/2019</u> To: <u>1/6/2020</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220192142	
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.			
<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;		
	<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:
<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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		

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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.

This agreement is for the replacement of a power supply for the lab's equipment- 7500ICP-MS system. An ICP-MS (Inductively coupled plasma mass spectrometry) is a type of mass spectrometry that is used for analyzing a range of metals. A new power supply Part no G1833-66030 is required with power specifications that meets UNSPSC Code 41115404 for an Agilent Inductively Coupled Argon Plasma Mass Spectrometer scientific equipment manufactured by Agilent. Presently the 7500 ICP-MS is not operable and lab specimens are unable to be processed.

This instrument analyzes The States' Drinking Water Metals for toxic levels of metals (such as Lead, Arsenic and Uranium) by measuring the atomic mass of the metals that are ionized in a plasma at 10,000 degrees Kelvin (surface of the sun). This instrument analyzes 25,000 samples per year for 22 different metals which means 550,000 discrete analyses per year. This instrument is a major factor in assuring the Public Water Supplies in Maine are serving water deemed safe to consume. This testing includes Childhood lead. HETL cannot remove abatement orders without testing for lead in the drinking water testing. There are 8 samples on hold.

Public water systems are requiring testing for metals by the end of the year. Drinking water program has 130 Public water systems remaining that require water metal testing by January 10.

The situation is urgent, since over a hundred community water system will be out of compliance with EPA as well as childhood lead abatements.

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.

Parts are proprietary and not available by any other vendor.

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 part is for a 19-year-old instrument that hasn't been serviceable for years. (Maybe the only part available in the world) Quote 3046147. The part costs \$7,510 but a new machine would cost over \$180,000.

5. Future Competition

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

7500ICP-MS system. An ICP-MS (Inductively coupled plasma mass spectrometry) requires parts from one vendor. Going out to bid is not an option at this time.

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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.

These parts can only be purchased from the manufacture. These parts are obsolete.

The vender is the only source of Part no G1833-66030 with its required power specifications that meets UNSPSC Code 41115404.

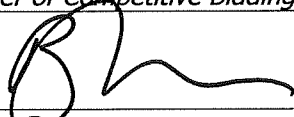
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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 is an urgent need. Over 130, Public water systems require metal testing by the end of the year. Childhood lead program required lead in water testing for all abatement orders to be removed. This instrument analyzes 25,000 samples per year for 22 different metals which means 550,000 discrete analyses per year. This instrument is a major factor in assuring the Public Water Supplies in Maine are serving water deemed safe to consume.

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:

BEN MANN

Date:

12/13/19