

NEW

**State of Maine****Master Agreement****Effective Date:** 08/28/18**Expiration Date:** 08/31/19**Master Agreement Description:** Blood+Urine Collection kits for alcohol samples for OUI/DUI**Buyer Information**

William Allen 207-624-7871 ext. NULL WJE.Allen@maine.gov

**Issuer Information**

LISA ROBBINS 207-287-2727 ext. lisa.robbsins@maine.gov

**Requestor Information**

Lisa Robbins 207-287-2727 ext. lisa.robbsins@maine.gov

**Authorized Departments**

10A DEPT OF HUMAN SERVICES

**Vendor Information****Vendor Line #:** 1**Vendor ID**  
VC1000057256**Vendor Name**  
LYNN PEAVEY CO  
**Alias/DBA****Vendor Address Information**

PO BOX 14100

LENEXA, KS 66285-4100  
US**Vendor Contact Information**Greg Ebeling  
800-255-6499 ext. 6652  
gebeling@lynnpeavey.com

## Commodity Information

**Vendor Line #:** 1

**Vendor Name:** LYNN PEAVEY CO

**Commodity Line #:** 2

**Commodity Code:** 49043

**Commodity Description:** Collection kits for blood and urine alcohol testing

**Commodity Specifications:** As per the specifications attached made part of this MA

**Commodity Extended Description:** Collection kits for blood and urine alcohol testing

**Quantity**

0.00000

**UOM**

**Unit Price**

\$0.00

**Delivery Days**

30

**Free on Board**

**Contract Amount**

\$0.00

**Service Start Date**

**Service End Date**

**Catalog Name**

Lynn Peavey

**Discount**

0.0000 %

**Discount Start Date**

08/28/18

**Discount End Date**

08/31/19

**TERMS & CONDITIONS**  
**MA 180828-020**

**COMMODITY ITEM:** Blood & Urine Collection kits for alcohol samples for OUI/DUI

**CONTRACT PERIOD:** Through August 31, 2019. The State of Maine with vendor approval can opt to issue up to two (2) one (1) year extensions. (NOI 0820181364)

**VENDOR CONTACT PERSON:** The contact person will help consumers place orders, inquire about orders that have not been delivered, all shipping issues, quality issues, and any issues pertaining to this Master Agreement. All orders not submitted through a DO will be sent through the contractor's contact person. The contact person will be: **Demetria Cobin** Phone: **800-255-6499 Ext# 6611**  
Email: [dcobin@peaveycorp.com](mailto:dcobin@peaveycorp.com)

**EXTENSION OF CONTRACT:** The Director of Procurement Services may, with the consent of the contractor extend the Contract period beyond the indicated expiration date.

**CANCELLATION OF CONTRACT:** The Division of Procurement Services reserves the right to cancel a contract with a thirty-day written notice OR cancel immediately if the contractor does not conform to terms and conditions and specifications of contract.

**PRICES:** Prices shown are to be net including transportation charges fully pre-paid by the contractor FOB destination. Prices are to remain firm for the duration of the contract.

**QUANTITIES:** It is understood and agreed that the contract will cover the **actual quantities** required by State Agency over the length of the contract.

**ORDERING PROCEDURE:** Delivery orders (DO) will be created in AdvantageME for all orders over \$5000.00. If a DO is used, the DO will be e-mailed to the email address set up in AdvantageME by the Vendor [gebeling@lynnpeavey.com](mailto:gebeling@lynnpeavey.com) as a .pdf file. Orders less than \$5000.00 can be ordered using a P-Card.

**DELIVERY:** The Contractor will be responsible for the delivery of material in first class condition at the point of delivery, and in accordance with good commercial practice.

**QUARTERLY REPORT:** The Division of Procurement Services **requires a quarterly report of sales** be faxed to 207-287-6578 within 30 days of the end of each calendar quarter. It will be the responsibility of the vendor to produce a quarterly report. The report must include the dollar value of goods purchased, broken down by Department as well as the total dollar value of purchases made by all Departments.

**PROCUREMENT CARD:** State policy requires vendors to accept the State of Maine Procurement Card (P-Card) as a form of payment, with very rare exceptions. Your company will be required to accept these cards. The pricing offered to the State of Maine shall be the final cost to the State of Maine regardless of payment method. No surcharge or other compensation will be allowed. The State of Maine reserves the right to reject your bid if you are unwilling to accept this condition.

SUPPLIER PART NUMBER	ITEM DESCRIPTION	EXTENDED DESCRIPTION	UNIT OF MEASURE	LIST PRICE	DELIVERY DAYS
05790	Blood Alcohol Kits w/Butterfly Needle, Min Order 100	Min. order 100	EA	\$6.95	30
05835	SNG bags tamper evid. Plain 6x9, Min Order 500	Min. order 500	EA	\$0.21	30
10093	Urine Collection Kits, Min Order 100	Min. order 100 kits	EA	\$3.40	30
88887	Zipr-Weld Evidence tape custom 108ft, Min Order 3 Rolls	Min. order 9 rolls order in multiples of 3	RL	\$15.50	30

# 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>DHHS/DCM Contract Administrator:</b>	Shawn Belanger	<b>Office/Division/Program of Contract Administrator:</b>	DHHS, MeCDC, DC, HETL, Sue Dowdy
<b>Est. Contract Amount:</b>	\$ 0.00 (This will renew a Master Agreement for a period of 3 years – see attached e-mail from DAFS- Purchases)	<b>Contract or RQS Number:</b>	
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	
<b>Proposed Start Date:</b>	8/1/2018	<b>Proposed End Date:</b>	09/30/2021
<b>Vendor/Provider Name, City, State:</b>	Lynn Peavey Company Lenexa, KS		
<b>Short Description of Good or Service:</b>	Blood and alcohol kits purchased for Public Safety OUI/DUI Program under an MOU reimbursing HETL		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: 8/21/2018 To: 8/27/2018	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0820181364	
<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;		
	<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> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		

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	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:	
<b>Please note that the following four points below (#2 through 5) all require a response.</b>		
<b>2. Description of Specific Need</b>		
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.		
In accordance with Maine Revised Statute 29A – the following criteria must be met for all blood and urine collection kits:		
Equipment for taking specimens. For purposes of this section, only blood and urine collection kits having a stamp of approval affixed by the Department of Health and Human Services/HETL may be used to take a sample specimen of blood or urine, except that a self-contained, breath-alcohol testing apparatus, if reasonably available, may be used to determine the alcohol level.		
The blood/urine collection kits provided by Lynn Peavey Company consistently meet all requirements for Title 29-A and the State's law enforcement community.		
<b>3. Availability of other Public Resources</b>		
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.		
Sufficient staffing, resources, or expertise is not available within the State of Maine's government.		
<b>4. Cost</b>		
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 <b>fair and reasonable</b> .		
The HETL determined the cost of the kits to be fair and reasonable by comparing the quality of commercially available kits and components from different companies, however, these kits would need to be assembled manually. By purchasing the kits already assembled by Lynn Peavey, HETL realizes cost savings not only in the kits, but also in personnel time that would be required to assemble the kits.		
<b>5. Future Competition</b>		
Please describe potential opportunities which may be available to foster competition for these goods or services in the future.		
This master agreement will not be going out to RFP at this time since it is imperative that kits used for the collection of blood and urine in criminal cases meet statutory requirements and consist of needles, tubes and mailing devices.		
<b>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.</b>		
<b>6. Uniqueness</b>		
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.		
Since the implementation of policies allowing law enforcement officials (Police Officers) to collect blood alcohol samples, the law enforcement community has requested that all collection kits include butterfly needles for conducting venous blood draws. The collection kits provided by Lynn Peavey are the only commercially available kits which include a butterfly needle.		

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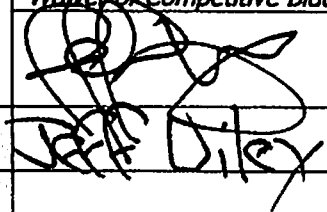
**7. Timeframe (Complete only if B. Is the Statutory Justification marked on Page 1)**

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.

N/A

**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:**

**Date:**

AUG 2018

15 AUG 2018