

## 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>	Adrienne Leppold (Brenda Lord, Secretary)	<b>Office/Division/Program of Contract Administrator:</b>	Maine Department of Inland Fisheries and Wildlife, Wildlife Division, Bird Group
<b>Est. Contract Amount:</b>	\$ 75,640	<b>Contract or RQS Number:</b>	CT-09A-20191218*1895
<b>Proposed Start Date:</b>	01/10/2020	<b>Proposed End Date:</b>	12/31/2020
<b>Vendor/Provider Name, City, State:</b>	Glen H. Mittelhauser, Maine Natural History Observatory (MNHO), 317 Guzzle Road, Gouldsboro, Maine 04607		
<b>Short Description of Good or Service:</b>	Glen and the Maine Natural History Observatory shall be responsible for overseeing all aspects of organizing, conducting, and publishing a statewide atlas effort to document the distribution and abundance of breeding and wintering birds.		
<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>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:          From: <u>1/3/2020</u> To: <u>1/9/2020</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0120200005		
<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		
<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> _____	

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State from only one source;	
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.

State Wildlife Action Plans (SWAPs) provide the foundation for wildlife conservation in states and Maine's 2015 Wildlife Action Plan identified a contemporary bird atlas as a priority "Conservation Action". More than 420 species of birds occur in Maine during some point of their annual life cycle. In addition, of the 225 species of birds that nest in Maine, 150 of them are considered Species of Greatest Conservation Need (SGCN) (MDIFW 2015). To address the Department's mission to preserve, protect, and enhance bird populations for use and enjoyment by current and future generations, we must improve our understanding of the abundance and distribution of Maine's birds. This bird atlas project will be invaluable for collecting data using "state-of-the-art" science to inform future wildlife action plans, both for common species and SGCN.

We anticipate a Maine Breeding and Wintering Bird Atlas will reveal changes in the distribution of breeding birds from the first atlas and systematically measuring breeding bird abundances will be invaluable in guiding future species status assessments and wildlife action plans. Furthermore, there has never been a systematic statewide effort to document the distribution of wintering birds, which can vary drastically from the composition of avifauna other times of the year. Given changes across our landscape that result in the loss or alteration of habitat, the abundance data collected as part of this atlas will provide critical baseline information for evaluating population changes of Maine's birds in the future.

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Completing a statewide project of this scale requires a combination of project specific staff to collect abundance data, conduct special species surveys, map and analyze data, and, ideally, thousands of volunteers. Having an individual or individuals whose job and sole responsibility is the management and coordination of the atlas project is essential to ensure tasks are completed accurately, efficiently, and on schedule.

### 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.

MDIFW does not have any personnel with the required knowledge and expertise in this subject area whose attention would not be divided among other responsibilities.

Other governmental resources are not available to perform this service due to their lack of knowledge and diverse expertise required for a statewide atlas sampling effort. Other agencies also do not have the resources to devote to such a time intensive project, full-time project.

### 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 Department concluded the negotiated costs are fair and reasonable based a comparison of a Biologist I salary at the fully burdened rate. Over the life of the project, this is a much more cost-effective approach than seeking to hire an additional staff position to complete this project. In addition, Maine Natural History Observatory is a nonprofit 501(c)(3) organization, with assurances that all funding will be directed to the Maine Atlas project.

### 5. Future Competition

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

The completion of this project will be largely dependent upon volunteers. As such, the opportunity exists for the contractor to train volunteers and even other individuals from partnering agencies who could lend their time and skills on a part-time and volunteer basis. Despite this additional help, there will still be the need for a full-time coordinator to oversee/organize these activities. If the Department becomes aware of new resources that may be able to complete the tasks associated with this contract in a cost-effective manner, we will seek competitive proposals in the future.

**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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The contractor (hereafter, MNHO) has over 30 years of experience and local knowledge of Maine's avifauna and over 25 years of experience specifically conducting coastal winter and breeding bird surveys throughout Maine. This includes running species-specific trapping in various habitats throughout Maine, conducting point counts of breeding birds, completing targeted population surveys, and mapping abundance and distribution of birds in portions of the state. These projects were run through a network of collaborations with other individuals and organizations in Maine with Glen and the Maine Natural History Observatory fostering and overseeing the collaborations. Similar collaborations with entities such as Acadia National Park, U.S. Fish and Wildlife Service, Baxter State Park, Maine Natural Areas Program, Maine Appalachian Trail Club, Maine Coast Heritage Trust, University of Maine, Stantec Consulting, and The Nature Conservancy have been, and will continue to be, essential to the success of the Maine Bird Atlas project.

In addition, MNHO has a proven track record for organizing and completing large survey projects with specific sampling dates throughout the state. These include the flora of Acadia National Park (5 year collaborative effort culminating in a published field guide), flora of Baxter State Park (6 year collaborative effort of field surveys culminating in a published field guide), an atlas of breeding seabirds in Maine since 1960 (3 year collaborative effort to produce a database and published atlas), field guide to the sedges of Maine (6 year collaborative effort culminating in a published field guide), field guide to the grasses and rushes of Maine (6 year collaborative effort culminating in a published field guide), and 20 years of collaboration with the U.S. Fish and Wildlife Service and Acadia National Park to conduct population surveys, organize and publish historic records, and produce GIS maps and relational databases. MNHO has also been the managing editor for 2 scientific journals (Northeastern Naturalist and Southeastern Naturalist) for the past 16 years, which involves overseeing more than 200 manuscript submissions per year and managing the editorial work load of 100 researchers on the Board of Editors for both journals.

The skills and experience MNHO has gained and demonstrated in organizing large collaborative projects over the past 30 years in Maine, managing the workload of technicians and volunteers, and proven track record for completion of projects and publications on time and on budget will be essential to the success of the Maine Bird Atlas project. In addition, MNHO possesses the knowledge and experience with large relational databases, GIS, historic bird survey data from Maine, avian research field methods, organizing technicians and volunteers, and publishing. MNHO also has a contractual history with the department. This trusted and reliable relationship is invaluable for accomplishing a project of this scale, size, and significance.

In addition, contributed work by this contractor during the planning stages and first two years of the atlas project greatly contributed to its success. Over 1,200 participants have submitted close to 27,500 checklists of birds and documented 232 species of breeding birds in the state. The organization and management of the hired field crew by MNHO also resulted in us completing over 2,000 point counts, 30 marshbird surveys, 54 alpine surveys, and 1,408 nightjar surveys this season, keeping us ahead of schedule in year two. This abundance information will be critical for determining population trends for breeding birds now and in the future.

The Bird Atlas is a collaborative effort involving multiple partners from across the birding community in Maine. Successful completion of the project is dependent on maintaining continuity among project partners, contractors, and MDIFW staff. This provider has been involved with the Bird Atlas since the project was initiated, serving as the primary day-to-day coordinator. He is the only individual with the skills and historical knowledge to ensure the Bird Atlas is completed successfully and on-schedule.

### **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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N/A	
<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>	<i>Frank Camuso</i>
<b>Date:</b>	<i>12/23/19</i>