

73
AUGUSTA RCVD '20JAN2

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.

Requesting Department's Contract Administrator:	Thomas Gildersleeve Dept. of Marine Resources	Office/Division/Program of Contract Administrator:	Bureau of Marine Science/Biomonitoring and Assessment/Landings Program
Est. Contract Amount:	\$ 9,500	Contract or RQS Number:	RQS-13A- 20200103*0776
Proposed Start Date:	Feb 1, 2020	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:	Bluefin Data LLC 16175 Feliciana Avenue Prairieville, LA 70769 VC1000009360		
Short Description of Good or Service:	Software support and maintenance; update current software to accept swipe card technology		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p style="text-align: center;">Posting dates on Division of Procurement Services website: From: <u>1/6/2020</u> To: <u>1/12/2020</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0120200010		
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.			
	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;		
	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>	<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:
X	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;		

State of Maine Waiver of Competitive Bidding Request Form

	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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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;
X	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.

In a previous BPO agreement (BPO#13A-20120530*1808), the Department purchased unlimited copies of the "Elver System" custom software for Maine elver dealers to use to report detailed information according to DMR regulations. In the agreement, the Provider provided backup support, was available for troubleshooting software problems and providing program upgrades as needed. This program is essential, as elver dealers in Maine use the software to comply with DMR regulations. The information collected from this program is shared by DMR with the National Marine Fisheries Service and other state agencies for fisheries management.

In the BPO amendment, the Provider modified the "Elver System" for elver dealers whom are required use swipe cards, and to lock down the program so dealers cannot modify their data after they commit the record to SAFIS (Standard Atlantic Fisheries Information System), which is a database that houses fishery information for the entire Atlantic Coast. The swipe card system created in the last BPO agreement proved to be a more secure and accurate way to identify harvesters and hamper the ability for harvesters to sell under another person's license; it also hampered the ability for dealers to buy from unlicensed harvesters and/or change the data on their electronically submitted records. The previous two years, Bluefin Data, LLC also included a "dealer to dealer" transaction feature that allowed the DMR to track dealer purchases amongst dealers and export dealers to ensure that the data being submitted from the harvester to dealer transaction is the most accurate available. This dealer to dealer component was vital in that it provided fisheries managers with certainty for the first time that only elvers landed with a valid harvester license were being shipped overseas. Bluefin Data, LLC already has the established program and data feeds to SAFIS, so the "back end" of this reporting system does not need to be built because it already exists and is currently in use for dealers in Maine.

State of Maine Waiver of Competitive Bidding Request Form

We'd like to initiate a new agreement which will be used to modify the system currently in place and add features that the DMR identified would assist staff in managing the program and fishery.

DMR has been in contact with several states on the Atlantic Coast and with the Atlantic Coastal Cooperative Statistics Program (ACCSP) to see if any state or federal fishery agency on the Atlantic Coast currently utilizes the swipe card with electronic reporting technology with data feeds to SAFIS. Currently, ACCSP has developed a program which DMR is using for the sea urchin fishery; however, this program does not include a dealer to dealer component required by Maine DMR regulation. Maine DMR has also heard from several states that are interested in using it if Maine continues to develop it. In past years, DMR called the Canadian Department of Fisheries and Oceans (DFO) to see if their elver fishery or any other Atlantic fishery uses electronic reporting technology pared with card readers, and they do not.

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.

This is custom-made software used by the seafood industry that is only available from Bluefin Data LLC. This vendor is the only entity that can provide support and maintenance.

DMR has been in contact with several states on the Atlantic Coast and with the Atlantic Coastal Cooperative Statistics Program (ACCSP) to see if any state or federal fishery agency on the Atlantic Coast currently utilizes the swipe card with electronic reporting technology with data feeds to SAFIS. Currently, ACCSP has developed a program which DMR is using for the sea urchin fishery; however, this program does not include a dealer to dealer component required by Maine DMR regulation. Maine DMR has also heard from several states that are interested in using it if Maine continues to develop it. In past years, DMR called the Canadian Department of Fisheries and Oceans (DFO) to see if their elver fishery or any other Atlantic fishery uses electronic reporting technology pared with card readers, and they do not.

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**.

DMR has been utilizing Bluefin Data LLC for the "Elver System" since 2014. The costs associated with this WCB are in line with past costs (less than last year) and are within the going rate for programming and other development costs. The costs are similar to a previously enacted RFP for development that the DMR recently received responses from.

5. Future Competition

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

If other companies express an interest in building software that could capture and transmit the needed information at a lower price than is currently paid, DMR would consider offering that software to Maine's seafood dealers.

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.

**State of Maine
Waiver of Competitive Bidding Request Form**

Bluefin Data, LLC created this reporting software used by the DMR for previous years elver season. This software allows elver dealers to record detailed landings information on their purchases from harvesters and sends the data to a database called the Standard Atlantic Fisheries Information System (SAFIS) in Washington, D.C. This information these dealers submit is required by DMR regulation. This is custom made software – made to capture data according to DMR and National Marine Fisheries Service (NMFS) regulations and provide it in a means that can be accepted by SAFIS. There is no other software described above that is currently available that can fulfill these needs.

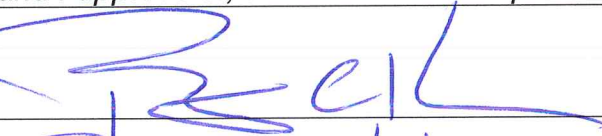
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

**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:



PATRICK C Keiker

Date:

12/23/19

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