

**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:	Rebecca Peters	Office/Division/Program of Contract Administrator:	MEDMR/BMS/MENH Inshore Trawl Survey
Est. Contract Amount:	\$ 9,177.00	Contract or RQS Number:	RQS-20191211*0700
Proposed Start Date:	12/11/19	Proposed End Date:	12/31/19
Vendor/Provider Name, City, State:	Micro Optical Solutions LLC Newburyport, MA VC0000171658		
Short Description of Good or Service:	New microscope and camera setup for ageing otoliths collected from the trawl survey.		
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: <u>1/7/2020</u> To: <u>1/13/2020</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0120200020		
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 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		

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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: 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) <u>all</u> 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.		
<p>The MENH Inshore Trawl Survey has been collecting age samples from commercially important finfish species since 2005, but has not been able to age all of these samples due to lack of materials needed for ageing. Currently, the department has one microscope and camera able to be used for ageing. Since the department only has one microscope and camera, only one person can be examining otoliths for age, even though two other employees are trained to do this. Having only one microscope and camera setup makes it difficult to work through the amount of samples collected from the trawl survey. Having another microscope and camera setup will allow other trained employees to assist in ageing the samples collected from the survey. The age data that we need to collect is important for the management of these species and could inform future management of species important to the state of Maine.</p>		

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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 equipment is not available in the department anywhere else. Department of Inland Fish and Wildlife has a similar camera and microscope, but it is located in Bangor (2 hours from Boothbay Harbor) and are using the equipment year-round. The federal government uses similar equipment, but have more samples to process than DMR does yearly and uses the equipment year-round.

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**.

We obtained quotes from another vendor that provides similar equipment and found this vendor to be the cheapest.

5. Future Competition

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

Quotes from another vendor that sells a similar microscope and camera for ageing were obtained but this current vendor offered a cheaper price. If we are looking to purchase another microscope and camera in the future we will reach out to the other vendor for a quote to compare prices again.

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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.

The provider is experienced in the production of a camera and microscope specifically for ageing samples from finfish (otoliths and scales). We have purchased equipment from them in the past and other state government agencies (Massachusetts Department of Marine Fisheries) use and highly recommend equipment from this vendor. The Department of Inland Fish and Wildlife has also purchased a camera and microscope setup for ageing from this vendor. They are the only vendor that can offer high quality equipment for ageing at a cheaper rate than other companies with similar equipment. Other companies do not design this equipment specifically for ageing samples from finfish like this vendor does.

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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Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Carl J. Walden
Date:	12/11/19

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