

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:	Bethany Atkins	Office/Division/Program of Contract Administrator:	Dept. of Inland Fisheries and Wildlife; Bureau of Resource Management
Est. Contract Amount:	\$ 71,584.68	Contract or RQS Number:	09A-20200106000000 001984
Proposed Start Date:	1/15/2020	Proposed End Date:	3/1/2021
Vendor/Provider Name, City, State:		Wildlife Management Institute 4426 VT Route 215N Cabot, VT 05647	
Short Description of Good or Service:		Contract Staffing Support	
<p>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>		<p>To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>1/11/2020</u> To: <u>1/18/2020</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0120200039	
<p>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.</p>			
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;		
	<p><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>	<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;		

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	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: <ol style="list-style-type: none"> (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; <p><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></p>
	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.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) is mandated by statute to "preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources". To achieve this mandate, the Department acquires land for the management and protection of wildlife habitat and to support and improve opportunities for public access. Habitat protection and management strategies were identified as priority action items for the majority of Maine's Species of Conservation Need as identified in the State's 2015-2025 Wildlife Action Plan.

With over 20 land acquisition projects which need to be completed in the next year as well as associated stewardship projects, the Department does not have staff available to address this need. This contracted position would allow MDIFW's Land Acquisition Program to immediately increase the pace at which these projects are completed and to improve the necessary stewardship and management tasks associated with ownership of land, management of habitat, and improved access for the public.

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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.

The Department's Land Acquisition staff are working at full capacity at present and do not have sufficient time to engage effectively with all landowners, contractors, and partners to complete all projects in the que in a timely fashion. Other MDIFW staff also have full workloads and cannot address this need. Other governmental agencies do not have the resources or expertise to conduct MDIFW land acquisition policies and procedures either. We are not aware of other services or individuals that can perform the service more efficiently.

We would like to retain the contractor for more than 1000 hours, to make full use of the contractor's experience and skill set. By employing one contractor for longer than 1000 hours we should realize a number of efficiencies over hiring a number of contractors in succession. These efficiencies will include reduced training time and skill (reduced time) in performing tasks.

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 salary is based on equivalent positions in MDIFW. The contractor will be paid at the equivalent premium rate to provide adequate compensation for acquiring health insurance and making contributions towards a federally mandated 401K plan, for contractors working over 1000 hours/year. The total salary is considerably lower than an equivalent position in the federal government or in the private sector (e.g., Wildlife Management Institute [WMI]).

The fee that the Provider charges was negotiated with the Northeast Association of Fish & Wildlife Agencies, of which the Department is a member. The Provider is willing to waive a portion of its negotiated fee, which in turn is used by MDIFW to meet federal match requirements.

5. Future Competition

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

If the US Fish and Wildlife Service authorizes other vendors to provide the requested service in the future, the Department will use a competitive process to identify an appropriate vendor.

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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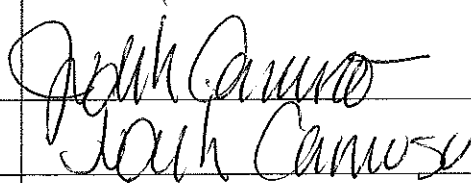
The Department is a member of the Northeast Association of Fish & Wildlife Agencies (Association), which is a nonprofit organization made up of the state and provincial wildlife agencies in the Northeastern North America. The Association has a cooperative agreement with the Provider (WMI) and through this agreement allows WMI to administer contracts for regional projects. WMI is uniquely qualified to administer this contract because 1) it has considerable experience in administering similar contracts for state wildlife agencies; 2) the administrators at WMI are familiar with federal grant match and reporting requirements, such as the federal grant that will be used to fund the proposed position; 3) the fee that WMI charges has been negotiated with the Association (i.e., 44%); 4) WMI is willing to waive a portion of its negotiated fee, which in turn will be used by the Department to meet federal match requirements; and 5) the US Fish and Wildlife Service, which provides the Department with federal funding for wildlife research and management, has agreed that if WMI waves a portion of their administrative fee, it would meet the Department's match requirements for the federal grant. **This is the only contractor that the USFWS has authorized to do this.**

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:

John Canuso

Date:

11/2/20