

## State of Maine Procurement Justification Form

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

**INSTRUCTIONS:** Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services website (Forms page) for additional instructions.

### PART I: OVERVIEW

Department Office/Division/Program:		Maine Historic Preservation Commission			
Department Contract Administrator or Grant Coordinator:		Arthur Spiess, Senior Archaeologist			
(If applicable) Department Reference #:					
Amount: (Contract/Amendment/Grant)	\$ 10,000.00	Advantage CT / RQS #:	2021100700000000994		
CONTRACT	Proposed Start Date:	10/15/21	Proposed End Date:	6/30/2029	
AMENDMENT	Original Start Date:		Effective Date:		
	Previous End Date:		New End Date:		
GRANT	Project Start Date:		Grant Start Date:		
	Project End Date:		Grant End Date:		
Vendor/Provider/Grantee Name, City, State:		The Archaeological Conservancy, Frederick, Maryland			
Brief Description of Goods/Services/Grant:		Sharrow site future monitoring and archaeological data recovery if necessary			

### PART II: JUSTIFICATION FOR VENDOR SELECTION

Mark an "X" before the justification(s) that applies to this request. (Check all that apply.)

	A. Competitive Process		G. Grant
	B. Amendment		H. State Statute/Agency Directed
<b>x</b>	C. Single Source/Unique Vendor		I. Federal Agency Directed
	D. Proprietary/Copyright/Patents		J. Willing and Qualified
	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

### PART III: SUPPLEMENTAL INFORMATION

Please respond to ALL of the following:

- 1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.**

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## PART III: SUPPLEMENTAL INFORMATION

The Maine DOT Milo Toll Bridge replacement project involves mitigation of adverse effect (potential damage) to a National Register listed archaeological site within a National Register District, as detailed in a **mitigation plan** (included by reference in the contract) approved and funded by MDOT. Mitigation of the adverse effect on the archaeological site includes a provision for future monitoring and reaction to erosion or other damage. Work is necessary for the bridge construction to proceed under the mitigation plan approved by MDOT, Historic Preservation, Federal Highway, and The Archaeological Conservancy.

### 2. Provide a brief justification for the selected vendor to supplement the response in Part II.

The Archaeological Conservancy is a single source/unique vendor for this contract. The Archaeological Conservancy, a non-profit corporation operating as a land trust nationwide, is the **landowner of the Sharrow archaeological site**, a portion of which will be taken by MDOT for bridge construction and road approach widening. TAC permission is necessary to access their land and do the archaeological work in advance of eminent domain proceedings. TAC refusal would result in construction delays and additional costs to MDOT. Failure to complete the mitigation plan means construction cannot proceed. Archaeological project agreements are contained within two documents: (1) a mitigation plan to minimize the impact to the site (including a public education component), and (2) a memorandum of agreement between The Archaeological Conservancy and The Maine Historic Preservation Commission to accomplish the items in the mitigation plan. Both documents are supplied with this contract.



### 3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

Costs are controlled by setting a mutually-agreed single payment of \$10,000.00. to cover future costs of archaeological site monitoring for erosion, and/or to pay for initial steps to mitigate damage. Such initial steps might include archaeological data recovery (which costs about \$10,000 for one week of work by a moderately sized professional crew, plus lab work and reporting). Alternatively, \$10,000 is the approximate cost of initial engineering design and permitting for a physical erosion control solution.

### 4. Describe the plan for future competition for the goods or services.

This is a unique circumstance, with a single source/unique vendor. There is no plan for future competition for these goods or services.

## PART IV: APPROVALS

<b>Signature of requesting Department's Commissioner (or designee):</b>	<i>By signing below, I signify that I approve of this procurement request.</i>		
			
<b>Printed Name:</b>	KIRK F. MOHNEY	<b>Date:</b>	10/18/2021
<b>Signature of DAFS Procurement Official:</b>	<small>DocuSigned by:</small> 		
<b>Printed Name:</b>	<small>2D5B6E39F57E44A...</small> william J.E. Allen	<b>Date:</b>	1/28/2022