

# 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>	Joe Higgins 287-4959	<b>Office/Division/Program of Contract Administrator:</b>	DACF, BPL, Off-Road Recreational Vehicle Office
<b>Est. Contract Amount:</b>	\$87,300.00 (\$25,000.00 Amend)	<b>Contract or RQS Number:</b>	CT-01A-20181129000000001761
<b>Proposed Start Date:</b>	<b>11/29/18</b>	<b>Proposed End Date:</b>	6/30/2019
<b>Vendor/Provider Name, City, State</b>	City of Caribou, Caribou, Maine.		
<b>Short Description of Good or Service:</b>	Municipal/County Trail Grant Program for Trail Maintenance		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<b>To be completed by the Division of Purchases</b>	
		Posting dates on Division of Purchases' website: From: <u>3/18/2019</u> To: <u>3/24/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0320190324	
<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.			
	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>	<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>  N/A	
		<b>Printed Name:</b>	<b>Date:</b>
	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;		
	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 Purchases "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.		
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Title 12 Chapter 220 Subchapter 8 Section 1893-3	

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**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.

This is a long standing grant program authorized through Title 12 Chapter 220 Subchapter 8 Section 1893-3. "3. Use of fees. This subsection applies to the use of fees credited to the Snowmobile Trail Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails. (1) For all grants disbursed after July 1, 1984, the Bureau shall adopt rules specifying how to apply for the grants, which projects are eligible and the formula for state support." There has been a tremendous cost savings to the State since we typically actually pay between 55-65% of the actual maintenance costs. These grants have been available since 1976. The local municipality and club involved match the State money with local funds or donated labor.

## **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 snowmobile trail maintenance program has been a tremendous partnership between the State and local communities. A considerable amount of local volunteer contributions are a part of this agreement since the State is only obligated for up to 70% of the cost. We have a long history of successful trail maintenance grants. There is no way the State could afford the trail system if it were not handled through grants.

## **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**.

ACF Snowmobile Trail Fund grant rules allow funds up to 70% of the approved application and the local Town/County develops their project budget and submits that as part of their application. Local Town/County raises 30% – 50% of the funds required to match our program.

## **5. Future Competition**

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

This is a municipal/county grant awarded to the municipality or county government. There are no competitors for the political subdivision. It is their responsibility and decision to contract/assign services locally. They may also do the work themselves. Funding comes from snowmobile registrations and varies annually. Projects are approved based on historical funds.

**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.**

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**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 project is administered through a locally appointed project director familiar with the area trails, the type of work being done, oversees grooming, maintenance often through local clubs. The maintenance requires very specialized equipment and tools to complete the task. The State does not supervise or direct the work to be done. We do occasionally inspect projects for compliance with the standard agreement for public safety purposes.

**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.

This is seasonal work including last minute trail preparation and/or maintenance due to weather events, private land access/changes and routine work. The winter season is a short one so approval timing is important to start project work.

**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:**

*Randy Chereck*  
Randy Chereck

**Date:**

3/13/19

*RLH*  
3-13-2019