

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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:	Denise Blanchette	Office/Division/Program of Contract Administrator:	DEP Water/ DEA/ Invasive Species Unit
Est. Contract Amount:	\$ 160,000	Contract or RQS Number:	
Proposed Start Date:	April 22, 2019	Proposed End Date:	February 28, 2021
Vendor/Provider Name, City, State	Lake Stewards of Maine (LSM), Auburn, ME		
Short Description of Good or Service:	Citizen scientist aquatic plant identification/survey training, lake surveillance, invasive plant & site assessment & tracking, outreach		
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.		To be completed by the Division of Purchases	
		Posting dates on Division of Purchases' website: From: <u>3/21/2019</u> To: <u>3/27/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0320190341	
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 checked="" 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 State from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.

2A.) The Maine DEP is charged by the Legislature with conducting programs designed to reduce the spread of invasive aquatic plants (38 MRSA §1862 and §1872, among other statutes). The legislation requires a variety of functions as part of program operations. Among these functions is a visible and measurable public education program and long-term monitoring of invasive species in Maine's fresh waters. Both the training and deployment of volunteers to survey waters for invasive plants create the Invasive Plant Patrol (IPP) program. The legislation recognizes the value of public/private partnerships in accomplishing these goals.

2B.) The Department determined that coordinating a system of lake monitors, technical assistance, and public education are best done through a contract with an organization that has experience in recruiting and sustaining the use of volunteers managed by a professional staff to achieve field work and facilitate communications. The Lake Stewards of Maine (LSM) formerly, Maine Volunteer Lake Monitoring Program (VLMP), has a laudable history of contracting with the Department for volunteer coordination and fieldwork and the production and distribution of educational materials. Early in the fight against invasive aquatic plants, the LSM included in its 2001 monitoring program a section to prevent and reduce the spread of invasive aquatic species in Maine lakes. Since then, the LSM has continued to conduct workshops and fieldwork in support of citizen invasive plant monitoring statewide under contract with DEP. Statutory reference for a lake monitoring program for invasive aquatic plant detection is in 38 MRSA §1872.

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.

Neither the State has staff to complete the entire legislative mandate nor are other government resources available to provide like services.

3A.) Funding for invasive aquatic plant prevention and control supports 3.0 FTE in DEP's Division of Environmental Assessment (DEA). This staffing level is insufficient to run this extensive a program while meeting the balance of program demands, which include intensive plant control projects, specialized monitoring, and project designs requiring the full range of current staff availability. Besides these 3.0 FTE, other staff members within DEA are charged with conducting research and projects unrelated to invasive aquatic plants and are therefore not available to assist with this monitoring program. Additionally, these other staff members are not supported by the funding dedicated to work on invasive aquatic species. This is also true for Department staff outside of DEA.

3B.) Just as there are no other resources within state government to perform these services, the same can be said of agencies outside of state government. Within Maine, no group other than LSM has the staff availability, program mandate, and track record of coordinating a reliable cadre of trained volunteers for lake data collection to perform these services efficiently and in a timely manner.

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 Department reviewed new costs vis-a-vis previous grants with the vendor and other vendors delivering similar service and determined these costs to be fair and reasonable.

5. Future Competition

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

Prospective citizen scientists are provided with professional training in practical and in vitro settings, offering opportunities for leaders and communities to become self-sufficient in lake stewardship/invasive species monitoring. Enterprising trainees may receive applicable expertise to provide like training to other communities either for hire or as volunteers.

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.

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.

- a) The need for these services is not an emergency. Rather, these services are necessary between early spring and late autumn because of the aquatic plant growing season.
- b) These dates occur between ice-out and ice-in on Maine Lakes. This span concurs with peak biological activity in Maine lakes. Volunteers in LSM programs participate in training and on-lake surveillance during this period.
- c) Invasive species monitoring and prevention efforts must be underway during period of peak biological activity; without such, new lakes could easily and quickly become lost to deleterious effects of invasive aquatic species.
- d) The Department should expect many years and substantial increased costs to establish a working network of trained volunteers and trainers to facilitate training of future volunteers. Other costs to be assumed by somebody—the Department or an outside entity—would include overhead, vehicles, training equipment, water craft and Department oversight to assure delivered services were of sufficient quality to provide the needed support to meeting Department objectives. A new, basic program could incur control costs of \$120,000 and \$150,000 in staff time over a very short period (2 months) above and beyond the costs of this proposed agreement (costs based on the equivalent of one year of a contractor staff member at approximately \$60/hr). Also, a contractor would need to provide or create what LSM already offers in substantial unpaid staff/volunteer time in expertise and applied in program operations and delivery. Demands on Department staff to help another contractor attain sufficient capacity would compromise other program priorities.

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:

Gerald D. Reid, Commissioner

Date:

3/11/19