

# 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>	Claire Enterline	<b>Office/Division/Program of Contract Administrator:</b>	Marine Resources, Maine Coastal Program
<b>Est. Contract Amount:</b>	\$ 150,000	<b>Contract or RQS Number:</b>	
<b>Proposed Start Date:</b>	<b>May 15, 2019</b>	<b>Proposed End Date:</b>	May 15, 2021
<b>Vendor/Provider Name, City, State</b>	Thomas J. Trott 10 Oak Place, Front A Biddeford, ME 04005		
<b>Short Description of Good or Service:</b>	The Contractor will serve as the lead Benthic Ecologist for the Maine Coastal Mapping Initiative. The Contractor will 1) identify marine benthic fauna, 2) determine benthic community type based on epifauna and infauna analysis, and 3) determine water column characterizations from analyses of vertical profiles. The Contractor will use these data in combination with the hydrographic data to classify benthic habitat per the Coastal and Marine Ecological Classification Standard (CMECS). The Contractor will work with the project manager to evaluate relationships between benthic community types and environmental variables using multivariate statistical analysis methods.		
<b>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.</b>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>3/22/2019</u> To: <u>3/28/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0320190355	
<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>	
		<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 Procurement Services "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>		

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	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:	Scope of Services put out to RFP and received no responses. Purchases approved sole source when Department identified a contractor able to perform the services.

**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 Coastal Mapping Initiative (MCMCI) is a collaborative started by the Maine Coastal Program (MCP) in 2012 that aims to collect essential hydrographic data that will be used to facilitate fisheries stock modeling, improve maritime safety, streamline the offshore development siting process, and classify ecologically important habitats. The primary goals of the project are to map habitat types in the areas where we are collecting bathymetry and geology information based on sediment type, infauna information and epifauna. The resulting habitat maps are useful for informing marine management. In order to accomplish these goals, the Contractor will deploy a benthic sampling device to collect sediment, infauna, and visual data using a drop camera to collect video and still photographs of the seafloor, collect water quality information at each site, and process and interpret these data in order to: 1) groundtruth bathymetric and backscatter data from the multibeam sonar equipment in order to continue to generate accurate bathymetric and habitat type maps, 2) to model habitat type based on these parameters using statistical analysis, and 3) classify each site within the Coastal and Marine Ecosystem Classification Standard.

The Department advertised this position through an RFP (201801004) from February 1 – March 6, 2018, but did not receive any bids. After discussing the RFP with a number of potential vendors, we received feedback that no one had the specialized skills needed for the work (experience with marine infauna identification). These potential bidders referred us to Dr. Thomas Trott as the expert in this field. This contract engages Dr. Trott to act as our expert marine habitat and fauna ecologist. He will organize sample collection, lead sample analysis and data management, perform sample classification and statistical modeling, and provide reports for this work that conform with the federal grant requirements that fund this work. Without contracting with Dr. Trott for this work, Maine Coastal Program would not be able to fulfill federal grant objectives.

### 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.

- a. No one within the MCP, the MCMCI coalition, or state government in general has experience of collecting and identifying marine invertebrates in the Gulf of Maine or the requisite skills to translate that data using the Coastal and Marine Ecological Classification Standard and highly specialized statistical modeling.
- b. The Contractor that we have identified is highly qualified and intimately familiar with the MCMCI project. To the best of our knowledge, there is no governmental resource that is as qualified to complete the job in a timely and cost effective 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 contractor has fourteen distinct deliverables that must be provided to MCP upon expiration of the contract. The cost (\$50/hour) has been determine based on contracts approved for our previous benthic specialist (see CT# 13A 2017 0717\*197 and amendment paid at \$50/hour). This cost is based on the high level statistical expertise and experience of the contractor that is needed for habitat modeling.

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### 5. Future Competition

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

Future work will again be put out to RFP as this scope of work was. Currently there are few opportunities for students to obtain training with drop cameras, benthic sampling, and marine invertebrate taxonomy in the Gulf of Maine to gain the skills necessary to perform this work. Thus, we continue to develop several internships that will allow early scientists to gain the exposure and training necessary to work on a research vessel and learn these skills.

**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.

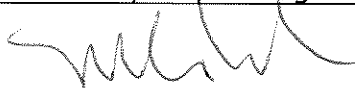
The Contractor has a PhD specializing in marine fauna from Boston University, MA in Marine Invertebrate Biology/Zoology from Wake Forest University, and BS in Biology focusing on Marine Invertebrate Biology from the University of Massachusetts. He has extensive experience collecting, processing, and identifying marine invertebrates, assessing their habitat based on depth, temperature and sediment type, and using statistical analysis to compare these variables. His technical knowledge and previous experience are critical to the successful and expedient identification and characterization of marine habitats, as well as the integration of the results into habitat classification maps.

### 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:**

Meredith Mendelson

**Date:**

3-15-19