

State of Maine Waiver of Competitive Bidding Request Form

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 scope of work proposed under the contract includes food plot management on three different management areas in one MDIFW administrative region.

It is most efficient to have one vendor overseeing the work as opposed to several contractors and several contracts. N. E. Smith was contracted to establish the food plots in Region F six years ago. Food plot establishment and ongoing maintenance is a large part of the services they provide. They stand by their work and spot seed as needed at no additional charge to the Department. One food plot in particular requires significant additional work due to poor soils. N.E. Smith has made great strides in bringing that food plot on line and is committed to continuing the work. One food plot for this season is ready for a replanting.

The Department is, as directed by Title 12 in Maine statute, to protect and enhance the fish and wildlife resources; provide for effective management of these resources; and to ensure coordinated planning for the future use and preservation of these resources. This contract will allow the Department to execute it's habitat management objectives for the areas covered under this contract.

Food plot establishment and maintenance is a wildlife habitat practice that is growing in popularity with the public. They are extremely beneficial to wildlife. Department WMAs also serve as demonstration areas for the public.

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 does not own most of the equipment needed to conduct the work. Personnel have a general knowledge of the work required but does not work within the specifics necessary on a regular basis. No other State or governmental agency conducts the scope of work necessary.

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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 vendor (contractor) when completing wildlife habitat work for the Department considers it as an officially subsidized NRCS (Natural Resource Conservation Service) practice. Rates are based on $\frac{3}{4}$ of current fair market value which equals 25% savings. The contractor is also a Whitetail Institute dealer and is able to purchase seed at 65% of cost (this was the seed that was used to establish the food plots and should continue to be used). Savings are passed on to the Department. The contractor is charging the Department an average of \$200.00 less per acre of work.

5. Future Competition

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

The Department is not aware of any other vendor that can do all the work required and in all of the locations and at the reduced cost available. Should other vendors become available and can be competitive in cost, quality/knowledge of the work, the Department would consider their services.

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 Department is not aware of another vendor that provides all the required services included within the scope of work. Unique qualifications include:

Soil micronutrient management: matching the soil needs as determined by soil tests to specific herbaceous forage mixture and including site preparation and seeding rates.

Years of experience working with food plot development and maintenance in a variety of northeastern states and various habitat types for a wide variety of clients.

The vendor has all the equipment necessary to conduct the work

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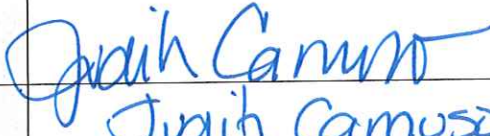
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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:


Judith Camuso

Date:

4/1/19