

# 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>	Elaine Jones & Tom Gildersleeve	<b>Office/Division/Program of Contract Administrator:</b>	Department of Marine R, Resources/Bureau of marine Science
<b>Est. Contract Amount:</b>	\$ 9,900.00	<b>Contract or RQS Number:</b>	CT 13A 20190409*2880
<b>Proposed Start Date:</b>	<b>May 13, 2019</b>	<b>Proposed End Date:</b>	September 30, 2019
<b>Vendor/Provider Name, City, State</b>	University of Maine 5717 Corbett Hall Orono, ME 04469-5717		
<b>Short Description of Good or Service:</b>	Provide 3 interns for the Maine State Aquarium on a cost share basis.		
<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>4/10/2019</u> To: <u>4/16/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0420190438	
<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;		
XX	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>		
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.		
	If a different authorization specifically allows for this non-		

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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 Aquarium's mission is to expand public interest and knowledge about the ocean, marine life, and fisheries through exhibits and educational programs. The interns' services will educate school children, Maine residents, and visitors to our state about the Gulf of Maine. The outcome will be an increased awareness and appreciation of the marine environment, which will be shared by visitors verbally and recorded through written surveys. Performance feedback will occur daily by Elaine Jones, DMR Education Director, and in writing through mid-term and final evaluation reviews.**

**\*While maintaining flow-through and recirculating system; conducting field sampling; aquascaping tanks; carrying out animal husbandry duties; and educating the public, interns will gain valuable work experiences that build knowledge, confidence, and skills. Interns who are interested in scientific research will meet with DMR's scientists and learn about the agency's research and monitoring roles. All interns will be required to keep a portfolio to record daily activities, accomplishments, reflections, photos, and sketches. They will accumulate resources (scientific articles, lesson plans, and artifacts) to be used for future classroom and/or professional presentations. At the end of their internship, their journal and collected resources will allow them to showcase their achievements and experiences in a professional and organized manner.**

**The statutory purpose of the Education Division (#6052-2) is to conduct educational programs that expand public interest and knowledge of the ocean and its resources. The DMR's Education Division accomplishes this mandate through the operation of its two educational facilities.**

## 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 have the staffing or resources to provide this legislatively mandated educational service to the public if we were unable to utilize contracted staff and/or interns.

## 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 of Marine Resources' Education Division will share the cost of each student intern with the University of Maine at Orono's School of Marine Science. The hourly wage for each intern will be \$11.00 and they will be paid through UMO's payroll services. As the legal employer of students, the UMO will cover workers' compensation and liability insurance. UMO will invoice the DMR no more than once a month for its share.

## 5. Future Competition

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

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We request educational institutions to participate in the program and will continue to offer this opportunity to all educational institutions with a marine science program. Competition is waived because of unique characteristics of School of Marine Science interns and the requirements of the internship program.

**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.

Please refer to Section 1, Paragraph 2\*. Based on dollar value and statutory waiver of competitive bidding.

The Department of Marine Resources (DMR) provides educational services about the ocean and its resources to over 35,000 school children, teachers, and summer visitors each year. As Aquarists, they will be involved in the daily care and maintenance of the Maine State Aquarium facility, associated wet-lab, and exhibit areas. Duties will involve daily monitoring of aquarium systems and animals; maintaining exhibits; food preparation and feeding; and specimen collection. Summer interns will also be asked to assist with educational programs and provide behind-the-scenes tours. Candidates should be responsible, flexible, motivated, and team-oriented, plus have the ability to climb in and out of tanks, conduct field sampling, and carry up to 50 lbs.

The Maine State Aquarium is looking for candidates who are pursuing degrees in the fields of biology, environmental studies, or aquaculture.

**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:**

Carl J. Wilson, Director – Bureau of Marine Science

**Date:**

January 23, 2019