

# State of Maine Waiver of Competitive Bidding Request Form

<b>Requesting Department's Contract Administrator:</b>	Leigh E. Hoar III	<b>Office/Division/Program of Contract Administrator:</b>	IFW/Wildlife Division/Lands Management Program
<b>Est. Contract Amount:</b>	\$15,000	<b>Contract or RQS Number:</b>	09A-20190403600000002807
<b>Proposed Start Date:</b>	29 April 2019	<b>Proposed End Date:</b>	1 April 2020
<b>Vendor/Provider Name, City, State</b>	Jeffrey J. Williams - VC1000041254 2 Williams Drive, Mason Twp., Maine 04217		
<b>Short Description of Good or Service:</b>	Collection and processing of forest inventory data and the development of a Habitat Management Recommendations Prescription for the Alonzo Garcelon Wildlife Management Area - North		
<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: _____ To: _____	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI#	
<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.			
<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>	
	<b>Signature:</b>	<b>Printed Name:</b>	<b>Date:</b>
<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 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>		
<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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

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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.

The Lands Program with the Department of Inland Fisheries and Wildlife is responsible for coordinating habitat management, in support of seven regions and seventeen wildlife biologists, throughout the entire state. The Department manages over 100,000 acres of land for the development, maintenance and enhancement of wildlife habitat. To facilitate the management of wildlife habitat, members of the Lands Program's gather and process forest inventory data, coordinate with Regional Biologists regarding both general and specific habitat goals, communicate with species specialists for any esoteric insights they can provide, and assemble Habitat Management Recommendations Prescription for implementation. Prescriptions are peer-reviewed documents designed to describe management methods creating, enhancing and maintaining a variety of wildlife habitats including, but not limited to, deer wintering areas, mast production sites, fields and young forest. Species management includes deer, turkey, ruffed grouse, American woodcock, the state endangered New England cottontail and a variety of herptile species to name a few. Currently, the program can only address the needs of a small portion of regional demands. Increased capacity would address some of the short comings the Lands Program currently suffers from. Jeffrey Williams has previously contracted for the Department on a number of other projects of the same scope.

## 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 Lands Program's specific mandate is the creation, enhancement and maintenance of wildlife habitat. To accomplish coordination of habitat management requires the establishment of close working relationships with regional biologists, species specialist staff and a thorough knowledge of both state and federal wildlife laws and regulations. Additionally, service requires the use of a Maine Licensed Forester versed in methods of timber management. Habitat is vegetation varying in composition, density and structure. The medium through which the Lands Program frequently works is timber and, associated with that, are a myriad of state and local laws pertaining to not only wildlife but regulations for water quality of streams, ponds and lakes, harvesting intensity, fire, property lines, wood measurements, transportation and quarantines for both native and invasive insect species. The landbase covers over 100,000 acres across the entire state and staff is currently limited to one Lands Management Biologist and one Forester and two term contractual employees through the Wildlife Management Institute. Prescription development for habitat operations of this specific scope is unique to the Department and would allow its staff to focus on implementation.

## 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**.

Cost was based on a comparison of data collection and plan preparation costs performed by members of the Lands Program for projects in other Wildlife Management Areas, and consulting forester rates for less complex projects. The estimate was then extrapolated to account for a larger WMA acreage and more complex species management planning requirements.

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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.

Department members regularly interact with other wildlife and forestry professionals at professional conferences throughout New England which provides an opportunity to identify unique skill sets, methods, work regions and relationships with complimentary disciplines. Should another individual with demonstrable qualifications emerge the Department will either solicit quotes or engage in an RFP.

**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.

Jeffrey Williams was the first Lands Management Biologist the Department hired in 2002. He initiated the Lands Management Program, at the time consisting of approximately 70,000 acres, consolidating all properties into one administrative unit. As the individual responsible for piloting the Lands Management Program, Jeff established many of the protocols and methods currently in use for the collection and processing of forest inventory data and the development of a Habitat Management Recommendations Prescription. He still maintains relationships with personnel both within the Wildlife Management Section and the Research and Assessment Section which greatly facilitates access to habitat and species data for the development of Habitat Management Recommendations Prescriptions. Additionally, as the Lands Management Biologist, Jeff accomplished several things:

- Ecologist and team leader for planning, preparing and implementing habitat management plans.
- Former member of the Governor's Blue Ribbon Committee on Forest Sustainability.
- Represented MDIFW for technical forestry and habitat issues and promoted agency objectives.
- Wrote technical proposals for grant funding for the demonstration of scientific significance of habitat enhancement strategies.
- Authored management plans reviewed by peer agencies.

After leaving the Department, Jeff became a Silviculturist with the U.S. Forest Service where he enhanced his skill set.

- Developed and implemented an inventory and monitoring program evaluating Best Management Practices, execution of silvicultural practices and pre- and post-harvest operations and treatment success.
- Collaborated with Wildlife Biologists to conceive landscape habitat management and silviculture prescriptions to meet White Mountain National Forest Lands Management Plans.
- Integrated resource specialist recommendations in landscape management planning.
- Provided technical forestry and silviculture advice pre- and post-National Environmental Policy Act analysis.
- Prepared and reviewed scientific and technical documents to support environmental analysis decisions related to wildlife habitat suitability, forest harvesting, soil science, visual quality, socioeconomics, water quality, fisheries and recreation.
- Selected for National Advanced Silviculture Program; attained a post-graduate certification from leading forestry science universities in Forest Ecology and Silviculture.

Jeff holds several certifications and professional licenses:

- Maine Licensed Professional Forester #3216
- Maine Erosion Control Certification #1217
- Maine Commercial Master Applicators License
- USFS National Certified Silviculturist
- Qualified USFS Advanced Cruiser

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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.

N/A

**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*  
*Judith Camuso*

**Date:**

*4/1/19*