

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.

Requesting Department's Contract Administrator:	Dr. Wally Jakubas Mammal Group Leader	Office/Division/Program of Contract Administrator:	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$22,745.25	Contract or RQS Number:	CT-09A-20190402*2785
Proposed Start Date:	4/10/2019	Proposed End Date:	9/30/2019
Vendor/Provider Name, City, State	Matson's Laboratory, LLC 135 Wooden Shoe Lane Manhattan, MT 59741		
Short Description of Good or Service:	Lab processes and analyses for deer teeth		
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>4/19/2019</u> To: <u>4/25/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190478	
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;		
<input type="checkbox"/>	<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;		
<input type="checkbox"/>	<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: 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.		

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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.

a. As part of its legislative mandate, the Department regulates the hunting harvest of white-tailed deer to ensure that the harvest is sustainable and that local deer populations are maintained within management guidelines. The hunting harvest is regulated primarily through the annual allocation of any-deer permits. The allocation of any-deer permits is based on the health of a Wildlife Management District's (WMD's) deer population and management objectives. A primary index used to monitor the health of a WMD's deer population is its age structure. White-tailed deer are aged by extracting an incisor, cutting and staining sections of the tooth, and reading the growth rings of the tooth. This year, we need to age 4,065 deer teeth collected from hunter-killed deer. Although deer teeth can be aged at the Bangor office, this number of teeth exceeds our capacity for processing teeth. Therefore, a contract is needed for processing and reading the ages of these teeth.

b. The primary mission of our agency is to ensure that wildlife populations in Maine, and the enjoyment of these populations, continue into the future. White-tailed deer are one of the most popular animals to hunt in Maine, and the deer hunting harvest needs to be regulated to ensure deer population objectives are met. The Department needs to monitor the population's age structure to determine whether the population is declining, stable, or increasing.

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. While other contractors (e.g., Wildlife Analytical Laboratories) cater to hunters at over 3 times the cost per tooth for aging, to our knowledge, Matson Laboratory is the only wildlife laboratory that regularly works with state wildlife agencies to cut and prepare thousands of teeth for aging. Unless a state agency is cutting and aging teeth in-house, they go to Matson Laboratory. Matson Laboratory has been used by wildlife professionals, nationwide, since 1969 for aging teeth for research and management questions.

b. We have worked with Dahl-Chase in Bangor to develop their expertise in cutting deer teeth for us. While we plan on using them for tooth cutting when we need a fast turn-around time, their tooth sectioning costs are over \$1 / tooth higher than Matson Lab and they do not age the teeth. At this time we do not have the personnel capacity to age these deer teeth.

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**.

Matson's costs for tooth preparation (approximately \$5.60 / tooth) are as low, or lower than our in-house costs for performing the same service. Laboratories that age teeth for individual hunters are charging \$18 / tooth and up which is considerably higher than Matson's rate.

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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.

Currently, Matson's is the only laboratory that is available to cut and prepare wildlife teeth for aging on behalf of state wildlife agencies. If another laboratory becomes available to provide this service, we will use a competitive process to select the best vendor to conduct this work.

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.

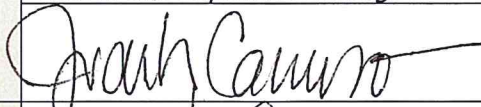
Matson Laboratory is the only wildlife laboratory that regularly works with state wildlife agencies to cut and prepare thousands of teeth for aging. Unless a state agency is cutting and aging teeth in-house they go to Matson Laboratory. They are the laboratory that is accepted by wildlife professionals for over 30 years for aging teeth for research and management questions.

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 Canuso

Date:

4/14/19