

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:	Derek Yorks Wildlife Biologist Brenda Lord, Secretary	Office/Division/Program of Contract Administrator:	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$ 6,500	Contract or RQS Number:	CT-09A-20190411*2912
Proposed Start Date:	04/29/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State	Trevor B Persons 206 Bigelow Hill road, Norridgewock, ME 04957 USA trevor.persons@nau.edu 207-313-2940		
Short Description of Good or Service:	Standardized spotted turtle surveys and population monitoring		
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>4/24/2019</u> To: <u>4/30/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190500	
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;		
	<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; <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.		
<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 spotted turtle (*Clemmys guttata*) is listed as Threatened under Maine's Endangered Species Act and it is listed as a Species of Greatest Conservation Need (SGCN) in Maine's comprehensive State Wildlife Action Plan. Its distribution in Maine is limited primarily to the coastal plain and extends from the southern border with NH north to the mid-coast region where it is less densely distributed. It is threatened by habitat fragmentation, road mortality, and collection for the pet trade, among other threats. The Spotted Turtle Working Group, which includes the Maine Department of Inland Fisheries and Wildlife, was awarded a US Fish and Wildlife Service Competitive State Wildlife Grant in 2018 to fund standardized assessments and conservation planning for spotted turtle populations from ME to FL. Specialized field surveys are necessary for MDIFW to meet its mandate in the Maine Endangered Species Act (MESA) to protect and recover species listed as Threatened/Endangered. Increasing knowledge of Maine's spotted turtle populations will contribute towards assuring that this State Threatened species persists by identifying and assessing populations that could benefit from environmental review, voluntary habitat protection, and habitat management.

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. This work requires a substantial time commitment throughout the limited spring and summer season of peak spotted turtle activity (late April through early July). MDIFW does not have sufficient personnel with the required expertise to conduct this work in addition to existing field and office commitments and requests for technical assistance by the public.
- b. This work is technical in nature and needs to be overseen by an experienced field herpetologist. Other governmental resources are not available to perform this service due to their lack of knowledge and expertise in inventory of rare turtle species. Other agencies do not have the resources to conduct such intensive field-based activities including the amount of time and travel needed for success.

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 fees being charged are typical or below the amount charged by an independent contractor with specialized experience.

5. Future Competition

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

MDIFW biologists and their collaborators periodically present professional presentations to invited forums attended by biologists and share our expertise and methodologies for specialized work such as this when appropriate.

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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.

- a. This work is part of the ongoing efforts by MDIFW to assess populations of spotted turtles. For the past 14 years, MDIFW has contracted with Trevor Persons to conduct and assist with herpetological inventory, monitoring, and research projects. Trevor has expert knowledge of spotted turtle biology, habitat, and survey methodology.
- b. Trevor's experience in inventory of rare herpetofauna is matched by few other biologists in the region. He has a proven ability to execute focused field surveys guided by careful review of all available data sources (including state databases, primary literature, and historic documents). He is skilled in both visual survey and trapping techniques required for this turtle species and has prepared high quality reports in his past contracts with MDIFW.
- c. Trevor is very familiar with the data sources, field techniques, and the natural history of this species making him ideally suited to successfully execute this project. He will provide most of the equipment required for this project and the remainder will be supplied by MDIFW.

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.

Joan Camuso

Printed Name:

Joan Camuso

Date:

4/22/19

