

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:	Katherine Thompson / Stephanie Tucker	Office/Division/Program of Contract Administrator:	Department of Marine Resources/Bureau of Marine Science/ Lobster Program
Est. Contract Amount:	\$ 145,500.00	Contract or RQS Number:	20190425*3145
Proposed Start Date:	May 1, 2019	Proposed End Date:	October 1, 2019
Vendor/Provider Name, City, State	Gulf of Maine Lobster Foundation (GOMLF) Kennebunk, ME 04043		
Short Description of Good or Service:	Administer the 2018 Maine Ventless Trap Survey (Vessel Services)		
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 <i>Procurement Services</i> website: From: <u>4/30/2019</u> To: <u>5/6/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190528	
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-		

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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 proposed contract will administer vessel services for the 2019 Maine Ventless Trap Survey. The Ventless Trap Survey is a collaborative research project with the Lobster Fishery, Gulf of Maine Lobster Foundation (GOMLF) and the DMR collecting data on pre-recruit lobsters. This survey is an essential indicator for stock assessment and management of the lobster resource.

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 Regional Ventless Trap Survey is a coastal research program that covers the entire coast of Maine during June, July, and August. The GOMLF has developed a reputation for collaborative research (Float Rope Exchange/Buyback and Ghost Gear Recovery) with the lobster fishery and is experienced at administering collaborative research activities and payments in a timely manner. The DMR has partnered with the GOMLF since 2006 on this survey and has developed a strong working relationship with them. The GOMLF has a rotating competitive RFP that was created for the industry to simplify the process, improve industry involvement, and to focus on survey objectives. The fishing industry depends on daily or weekly payments while the State payment system is inefficient for these purposes. It is necessary for an outside organization to administer vessel compensation to ensure that it is as efficient as possible in order to maintain a positive relationship with the industry and encourage participation. The DMR chooses to contract the GOMLF for this purpose because their indirect rate is very low and these services would be more expensive if administered through any other organization.

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 GOMLF has reduced their indirect rate from ~ 20% to 5% for the proposed survey. Lobster industry collaborators will be selected through a competitive bid process. The GOMLF competitive bid process lowered the daily charter rate and assured qualified collaborators.

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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Collaborative research is essential for fisheries monitoring, which is greatly enhanced by industry participation and consideration of the experiential knowledge represented by the fishing industry. The GOMLF was established to foster collaborative research. Future competition will be fostered through competitive RFPs with strict goals and milestones for applicants.

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 GOMLF is the only qualified agency that can offer extensive experience with the coordination of sampling trips (2006 through to 2018 sampling seasons), on board sampling, expertise with ventless trap studies, and expansive industry connections. The Foundation has employees who have direct field experience working with the lobster industry. Lastly, due to the importance of collaboration with industry, the Foundation already has a working relationship with many of the industry participants in our program.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	 Carl Wilson, Director—Bureau of Marine Science
Date:	3/14/19