

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:	Brenda Lord Brad Allen	Office/Division/Program of Contract Administrator:	Dept. of Inland Fisheries and Wildlife, Bureau of Resource Management, Wildlife Division
Est. Contract Amount:	\$ 36,000.00	Contract or RQS Number:	CT-09A-20190424*3134
Proposed Start Date:	5/1/2019	Proposed End Date:	9/30/2019
Vendor/Provider Name, City, State	Mark Koneff, Branch Chief, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 17 Godfrey Drive, Suite #2, Orono, Maine 04473		
Short Description of Good or Service:	Supply a DOI fleet aircraft, pilot, and camera operator with aircraft modified as a remote sensing platform and equipped with suitable digital sensors to photograph approximately 200 islands along Maine's coast. Contractor will supply primary imagery post-processing services which includes production of orthomosaics of waterbird nesting islands.		
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>5/2/2019</u> To: <u>5/8/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190541	
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.			
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>	
		Signature:	Date:
		Printed Name:	
X	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;		
	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>		
	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.		

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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.

To conduct a 2019 Colonial Waterbird Survey for species of conservation and management priority. Periodic colonial waterbird survey efforts provide information for evaluating trends in nesting bird population sizes and distribution, habitat losses and gains, and other common parameters across broad geographic areas. Within Maine, aerial surveys conducted in 2008 and 2013, as part of a broader coordinated survey effort, indicated that double-crested cormorants, great black-backed gulls and herring gulls had undergone significant population declines in recent years. Conducting an aerial photo survey effort in 2019 would allow us to generate population estimates for the above mentioned species and would allow us to conduct trend analyses. Lastly, numerous studies have demonstrated the value of using seabirds as indicators of ecosystem change, in cooperation with our federal wildlife partner.

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.

Low level off shore aerial wildlife surveys require the safest and most suitable survey platform as possible. A twin engine plane with a high resolution digital camera and a skilled and qualified pilot are also vital for a successful mission. Collecting aerial photographs of over 200 islands along Maine's 250 mile-long coastline with enough clarity to allow identification of nesting birds to species of is another expertise that USFWS possesses. The only practical method to complete a statewide census for these species is to utilize aerial photography of the islands.

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**.

An interagency agreement between the State of Maine, MDIFW and U.S. Department of the Interior, Fish and Wildlife Service will be established to facilitate the exchange of services and funding between the two organizations in the support of costs incurred during fleet aircraft services provided by the FWS to IFW to conduct an aerial waterbird survey in Maine. If IFW enters into agreement with FWS to pay the bill for flight costs and we request that OAS direct bill for the flight charges, then considerable overhead and OAS fees can be avoided. Match for these federal funds will be provided by volunteer hours on various Bird Group activities and possible Duck Stamp or Maine birder band funds. In addition, USFWS is offering to conduct post-processing of the digital images and provide MDIFW with orthorectified mosaics at no cost to this agency. The value of this in-kind contribution is estimated between \$18,00 - \$24,700.

5. Future Competition

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

Opportunities to foster and perform specialized aerial surveys during future survey efforts are anticipated to be nonexistent in Maine because of the specialized equipment used (survey airplanes and digital cameras) and technical abilities of a trained low-level pilot and camera operator.

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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.

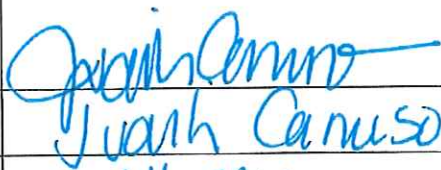
6. Uniqueness

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.

Low level aerial wildlife surveys are inherently dangerous, especially when conducted offshore and potentially 25 miles from the mainland. USFWS has decades of experience utilizing aircraft built to their specifications for large geographic scale low level surveys of birds and they employ uniquely trained pilots to conduct these missions efficiently but most importantly safely. Their fleet of aircraft have been modified to accommodate specially designed digital cameras in the belly of the plane.

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:	 Juanh Camuso
Date:	4/29/19