

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:	Thomas Gildersleeve, Michale Kersula	Office/Division/Program of Contract Administrator:	Marine Resources
Est. Contract Amount:	\$ 64,800.00	Contract or RQS Number:	20190507*3297
Proposed Start Date:	May 10th, 2019	Proposed End Date:	September 1 st , 2019
Vendor/Provider Name, City, State	Benjamin Crocker, 1543 Port Road. Machiasport, Maine 04655		
Short Description of Good or Service:	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>05/14/2019</u> To: <u>05/20/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190626	
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 vendor named here for these services was explicitly specified in an approved federal grant application and subsequent award.
This vendor will provide vessel services for completing the Northern Gulf of Maine scallop survey, which has been funded through the federal scallop Research Set-Aside competitive grant process. This survey will serve as the basis for estimating the biomass and distribution of scallops in the Northern Gulf of Maine federal waters area, which is predominantly fished by harvesters from the state of Maine. Accurate and timely estimates of resource biomass and distribution will allow for the creation of better catch advice for this area, and thus provide for the maximum economic opportunity for these Maine-based harvesters. The estimates will be directly provided to and used by the federal management bodies tasked with setting harvest limits for this area. In addition, as there is currently an amendment to the scallop management rules pertaining to the Northern Gulf of Maine area in process at the federal level, this survey could serve to provide a basis for better and more equitable management of this area well into the future.

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 vendor named here for these services was explicitly specified in an approved federal grant application and subsequent award.
In addition, this was the same vendor that provided the exact same vessel platform and captain for services as a previous survey in 2016, and this makes this vendor uniquely qualified to perform these services as this repetition of vessel and captain allows for unbiased estimation of relative change in resource indices.

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 vendor named here for these services was explicitly specified in an approved federal grant application and subsequent award.
The costs for these services were specifically detailed in the federal grant application and subsequent award.
This vendor provided comparable vessel services at the exact same rate for the 2016 Northern Gulf of Maine scallop survey, and at the time the vendor was the top-ranked and subsequent chosen bidder as the result of a competitive RFP process.

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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.

The vendor named here for these services was explicitly specified in an approved federal grant application and subsequent award.

If this vessel or vendor are no longer able to carry out these specific services, the Department will solicit competitive bids.

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

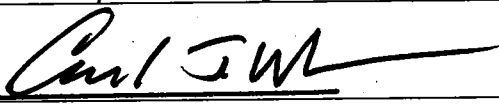
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The vendor named here for these services was explicitly specified in an approved federal grant application and subsequent award.

In addition, this was the same vendor that provided the exact same vessel platform and captain for services as a previous survey in 2016, and this makes this vendor uniquely qualified to perform these services as this repetition of vessel and captain allows for unbiased estimation of relative change in resource indices.

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 J. Wilson, Director
Date:	Maine Department of Marine Resources Bureau of Marine Science 4/24/19