

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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:	Pamela Parker	Office/Division/Program of Contract Administrator:	DEP/ Bureau of Water Quality, Division of Water Quality Management
Est. Contract Amount:	\$ see attached	Contract or RQS Number:	
Proposed Start Date:	6/1/2019	Proposed End Date:	12/31/2021
Vendor/Provider Name, City, State	Ssee list attached		
Short Description of Good or Service:	Boat holding tank pumpout service		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>05/15/2019</u> To: <u>05/21/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190647	
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:	
		Printed Name:	Date:
	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 Purchases "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.		

X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Public Law 1999, Chapter 655 and per state law 38 M.R.S.A §423-B.
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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 purpose of this grant is to provide boat holding tank pumpout services to the boaters in the state of Maine. The Department is required to apply for grant funds to help pay for these pumpout systems and provide that grant money to marinas and boatyards pursuant to Public Law 1999, Chapter 655 and per state law 38 M.R.S.A §423-B. Further, this facility is required to install and maintain a pumpout system pursuant to this same section.

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 state does not own or have legal access to the physical locations that would be appropriate for boat pumpout service, nor does it have the personnel to manage, staff or maintain this service.

The DEP provides grants to towns and cities through this grant program as a priority but, in many locations, there are not public facilities available or the municipality is not interested in providing the service.

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 Department requires that the applicant obtain several pumpout system cost estimates and provide them with the grant application. In addition, the applicant must provide detailed cost breakdowns for the project, including any plumbing or electrical or site work required. Staff at the department compare the costs to similar projects already completed. The funding is provided by grants received from the Clean Vessel Act through US fish and Wildlife specifically for the purpose of providing pumpout stations for recreational boaters. The 25% match is provided by the facility.

5. Future Competition

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

There is already significant competition in the actual pump provider vendors. The DEP encourages prospective grant recipients to negotiate with vendors in order to obtain the best system value. However, there is little competition among actual grant recipients because most of them are required to provide pumpout service by statute.

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 applicant is uniquely suited to provide this service because they have the physical facilities appropriate to providing boat pumpout service. They have a waterfront location, easily accessible to local and transient boat traffic and provide other services attractive to boaters. Finally, as noted above, they are required to provide pumpout service pursuant to state law.

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:

Gerald D. Reid, Commissioner

Date:

BP37WCB List

Boat Pumpout Grant

5/9/19

Town of Camden	\$45,000.00
O'Hara Corporation	\$15,000.00
Friends of Casco Bay	\$165,000.00
Port Harbor Marine	\$16,000.00