

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.

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| Requesting Department's Contract Administrator: | Adrienne Leppold (Brenda Lord, Secretary) | Office/Division/Program of Contract Administrator: | Maine Department of Inland Fisheries and Wildlife, Division of Wildlife, Bird Group |
| Est. Contract Amount: | \$ 5,080 | Contract or RQS Number: | CT-09A-20190507*3285 |
| Proposed Start Date: | 5/27/19 | Proposed End Date: | 7/7/19 |
| Vendor/Provider Name, City, State: | Biodiversity Research Institute 276 Canco Rd., Portland, ME 04103 | | |
| Short Description of Good or Service: | The provider will be responsible for conducting a minimum of 150 point count surveys in southern Maine for the Maine Bird Atlas project | | |
| 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. | <p style="text-align: center;">To be completed by the Division of Procurement Services</p> <p style="text-align: center;">Posting dates on Division of <i>Procurement Services</i> website: From: <u>5/17/2019</u> To: <u>5/23/2019</u></p> | | |
| Notice of Intent to Waive Competitive Bidding Number: | NOI# 0520190658 | | |
| 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> | <p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p> | |
| | | Printed Name: | Date: |
| 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; | | |

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| | 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. |
| | 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.

The Maine Bird Atlas is a department funded, statewide effort to document the abundance and distribution of all breeding and wintering birds across the entire state of Maine. There is need for well-designed biological monitoring of Maine's bird resources to guide conservation strategies now and identify priority species' needs in the future. Further, conserving high value wildlife habitats and directing disturbance activities away from sensitive habitats necessitates a comprehensive understanding of distribution and use of resources by Maine's avifauna. Commenced in January 2018, our state-wide atlas project will accomplish these goals with scientific rigor in an efficient and cost-effective way.

This competitive waiver specifically addresses the abundance sampling portion of the above project goals. Systematically measuring breeding bird abundances will be invaluable in guiding future species status assessments and wildlife action plans. It will be used in combination with breeding bird survey data to assess population trends for some species and will provide critical baseline information for evaluating future population changes for others. While the point count methodologies used to collect abundance data for this project are not cutting edge, the department has invested in utilizing "state-of-the-art" modeling analyses to create a balanced, road-based sampling design for these counts. These analyses have enabled us to, for example, proportionally balance the number of points sampled to the different habitat types in the state. This approach will ultimately enable a more robust final analysis of the data collected.

Techniques for sampling abundance of birds in the field requires the ability to identify *all* regional birds by sight and sound. To ensure the abundance data collected is as complete and accurate as possible, only highly skilled observers will be hired to conduct point count surveys. More than 420 species of birds occur in Maine during some point of their annual life cycle.

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This state-wide avian diversity makes Maine a unique place for bird life and bird watchers but presents a challenge for finding individuals having the necessary skill set to complete this project task.

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.

Because of the short, intensive time commitment required for this work, searches for qualified field personnel within local, state, or federal government having the availability and necessary skill set for these surveys were unsuccessful. Staffing within other government entities does not allow flexibility for the dedicated time investment necessary for these surveys.

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 concluded the negotiated costs are fair and reasonable based on research into seasonal wages for conservation aid technicians. The costs are based on a standard hourly rate of \$15/hour.

5. Future Competition

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

We conducted a competitive nation-wide search for individuals (government and other entities) to contract for the completion of these surveys. We exhausted our pool of applicants filling seven of the eight positions being offered with other qualified individuals from this search. We plan to conduct a similar competitive search for skilled surveyors each of the next three years of the project.

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.

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Individuals considered for this position were tested on their ability at identifying birds of the eastern U.S. using the birdercertification.org program. This is a rigorous test that evaluates individuals' ability to identify all groups of birds occurring in forests, wetlands, and grasslands by sight and sound. The required qualification score for this position was an 80 or higher. We filled seven of the eight positions available through our nation-wide search, exhausting all other options for qualified candidates outside of this provider. The provider has the unique skill set and availability necessary for this position.

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.

N/A

**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:

Joaquin Camuso

Date:

5/8/19