

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:	Claire Enterline Thomas Gildersleeve	Office/Division/Program of Contract Administrator:	Marine Resources, Maine Coastal Program
Est. Contract Amount:	\$ 66,500.00	Contract or RQS Number:	13A-20190508*3310
Proposed Start Date:	May 15, 2019	Proposed End Date:	May 15, 2020
Vendor/Provider Name, City, State	Benjamin Kraun PO Box 383 Damariscotta, ME 04543		
Short Description of Good or Service:	The Contractor will act as the lead hydrographer for the Maine Coastal Program's Mapping Initiative. Services include set-up and operation of the multibeam sonar system on a pre-determined vessel under existing contract with the Department, collection and field descriptions of grab sediment samples, post-processing and data delivery of multibeam and backscatter information and reporting of all work.		
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>5/21/2019</u> To: <u>5/27/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190683	
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 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		

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	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:	Scope of Services put out to RFP and received no responses. Purchases approved sole source when Department identified a contractor able to perform the services.

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 Coastal Mapping Initiative (MCMI) is a collaborative started by the Maine Coastal Program (MCP) in 2012 that aims to collect essential hydrographic data that will be used to facilitate fisheries stock modeling, improve maritime safety, streamline the offshore development siting process, and classify ecologically important habitats. The primary goals of the project are to map habitat types in the areas where we are collecting bathymetry and geology information based on sediment type, infauna information and epifauna. The resulting habitat maps are useful for informing marine management. In order to accomplish these goals, the Contractor will act as the lead hydrographer for the MCMI. Services include set-up and operation of the multibeam sonar system on a pre-determined vessel under existing contract with the Department, collection and field descriptions of grab sediment samples, post-processing and data delivery of multibeam and backscatter including tidal corrections, digital elevation models (DEM) and bathymetric attributed grid (BAG) generation, fly-throughs, and any other digital mapping products and maps requested by the Department. Data collection is anticipated to occur from waters 3-8 nautical miles offshore of Kittery, Maine to Rockland, Maine.

The Department advertised this position through an RFP (201801001) from February 1 – March 6, 2018, but did not receive any bids. After discussing the RFP with a number of potential vendors, we received feedback that no one with the specialized skills needed for the work were able to perform this work on a full-time basis (as requested in the RFP). The Department has since reached out to multiple universities to determine if there are entities capable and able to complete this work. None were able to for the specified amount of funding available. The Department has identified the contractor Benjamin Kraun as capable of completing the work based on his geology and ArcGIS experience. Without contracting with Mr. Kraun for this work, Maine Coastal Program would not be able to fulfill federal grant objectives.

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.

- a. No one within the MCP, the MCMI coalition, or state government in general has experience of collecting and processing bathymetric and backscatter data and deriving spatial mapping products.
- b. To the best of our knowledge, there is no governmental resource that is as qualified to complete the job in a timely and cost effective manner.

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 contractor has eleven distinct deliverables that must be provided to MCP upon expiration of the contract. The cost (\$32/hour and \$1500 annually for travel to conferences as required by the contract supervisor) has been determined based on contracts approved for our previous hydrographer (see DACF CT# 20151201*1954).

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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.

Future work will again be put out to RFP as this scope of work was. Currently there are two opportunities for students to obtain training with multibeam echosounder data collection in the Gulf of Maine to gain the skills necessary to perform this work at University of Maine and University of New Hampshire. We will continue to work with these programs and offer students unpaid internship days with the Maine Coastal Program to gain the skills necessary to be able to compete in future RFPs.

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.

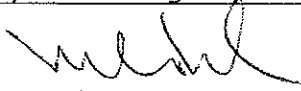
6. Uniqueness

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 Contractor has a background in geologic history and processes in the Northeast, experience interpreting soil cores and seismic surveys, using geospatial mapping systems, and experience on boats in marine waters. His technical knowledge and previous experience are critical to the successful and expedient identification and characterization of marine habitats, as well as the integration of the results into textural (geologic) classification maps.

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:	
Date:	Meredith Mendelson 3.15.19