

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:	Walter Jakubas Brenda Lord, Secretary	Office/Division/Program of Contract Administrator:	Maine Department of Inland Fisheries and Wildlife, Division of Wildlife, Mammal Group
Est. Contract Amount:	\$16,000	Contract or RQS Number:	CT-09A-20190507*3300
Proposed Start Date:	5/13/19	Proposed End Date:	8/30/19
Vendor/Provider Name, City, State:	Matson's Laboratory, LLC., 135 Wooden Shoe Lane, Manhattan, MT 59741		
Short Description of Good or Service:	Section and age over 2800 bear teeth from the 2018 fall bear harvest		
<p>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>		<p>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></p>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0520190689		
<p>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.</p>			
<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;		
<p><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>		<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:
<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;		

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	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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></p>
	<p>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;</p>
	<p>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.</p>
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>

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.

a. Population age structures are frequently used to determine whether mortality factors, such as hunting, are at a level which allows continued growth of a wildlife population. Black bears are aged by extracting a pre-molar, cutting and staining sections of the tooth, and reading the growth rings of the tooth. Although bear teeth can be aged at the Bangor office, the number of teeth exceeds our capacity. Therefore, a contract is needed for cutting, mounting, and reading the ages of these teeth.

b. The primary mission of our agency is to ensure that wildlife populations in Maine, and the enjoyment of these populations, continue into the future. As such, the harvest of black bears needs to be regulated to ensure that sufficient bears are being harvested to meet publicly derived population objectives, and that this harvest is not detrimental to the bear population. One tool for doing this is to track the age structure of the bear population.

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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. Current staffing levels in the Mammal Group are not sufficient to allow the processing, cutting, and aging of nearly 3,000 bear teeth per year. For regulatory recommendations to be made on time, bear teeth must be processed and cut early in the year. This schedule conflicts with the Dept. monitoring of bears in their winter dens which occurs from January through March. The biologist that oversees tooth aging is the same biologist that oversee winter den work. This makes it impossible to age large numbers of bear teeth in our own laboratory.

b. The Department has worked with Dahl-Chase, Bangor, ME, to develop their expertise in cutting teeth. While the Department uses Dahl-Chase for cutting teeth when a fast turn-around time is needed, the tooth sectioning costs charged by Dahl-Chase are over \$1 / tooth higher than Matson Laboratory and Dahl-Chase does not age the teeth they cut.

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**.

Matson's costs for tooth preparation (approximately \$5.70 / tooth) are as low, or lower than our in-house costs for performing the same service. However, their charges for reading tooth ages are more than the hourly rate our biologists are paid. Laboratories that age teeth for individual hunters are charging \$18 / tooth and up which is considerably higher than Matson's rate.

5. Future Competition

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

Our Department will annually search for other vendors that perform this service and compare their rates and expertise to Matson Laboratories. If we find that other vendors exist that can process a high volume of teeth, accurately age the teeth, and charge a rate that is comparable to Matson Laboratory, we will initiate an RFP process. No comparable vendors were found this year.

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.

While other contractors (e.g., Wildlife Analytical Laboratories) cater to hunters at approximately 3 times the cost per tooth for aging, to our knowledge, Matson Laboratory is the only wildlife laboratory that regularly works with state wildlife agencies to cut and prepare thousands of teeth for aging. Unless a state agency is cutting and aging teeth in-house they go to Matson Laboratory. They are the laboratory that is accepted by wildlife professionals for over 30 years for aging teeth for research and management questions.

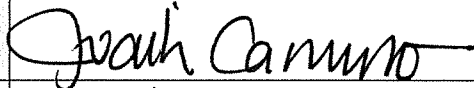
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7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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:

Judith Camuso

Date:

5/20/19