

## 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.

<b>Requesting Department's Contract Administrator:</b>	Thomas Gildersleeve	<b>Office/Division/Program of Contract Administrator:</b>	Marine Resources, Marine Patrol
<b>Est. Contract Amount:</b>	\$ 41,240.00	<b>Contract or RQS Number:</b>	RQS 13A-20190502*1172
<b>Proposed Start Date:</b>		<b>Proposed End Date:</b>	
<b>Vendor/Provider Name, City, State:</b>	Ribcraft USA, LLC PO Box 463 Marblehead, MA 01945 VC1000076243		
<b>Short Description of Good or Service:</b>	4.8 Meter Ribcraft		
<b>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.</b>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website: From: <u>5/22/2019</u> To: <u>5/28/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0520190715		
<b>1. Statutory Justification</b>			
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><b>Signature:</b></p>		
	<b>Printed Name:</b>	<b>Date:</b>	

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<b>X</b>	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:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.

Maine's Bureau of Marine Patrol presently operates a fleet of four 38' to 46' law enforcement patrol vessels in addition to the rest of its' fleet. These four vessels are used for Federal and State fisheries enforcement; as well as, maritime search and rescue/recovery operations. These large vessel patrol assets are each designed to carry a 4.8 model RIBCRAFT RHI and have specific launch, retrieval, and storage systems already in place. The 4.8 meter RIBCRAFT is a tried and tested asset made by a reputable and established vendor. These small RHIs are critical in emergency maritime response and substantially increase Marine Patrol's operational abilities while at-sea. RIBCRAFT's 4.8 meter RHI has unique characteristics which are specific to the existing operational systems of Marine Patrol's largest patrol boats. Trying to outsource the work to another vendor would result in substantial and unnecessary associated costs to the State of Maine.

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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.

RIBCRAFT is an established manufacturer of rigid hull inflatable watercraft assets with superior quality and competitive pricing. This type of asset is not available within the State of Maine Government.

**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 Bureau of Marine Patrol has maintained a significant fleet of patrol vessels for decades and is familiar with quality watercraft products and competitive pricing. The RIBCRAFT 4.8 meter RHI has unique and durable features which make it the right choice for BMP at a fair and reasonable cost.

**5. Future Competition**

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

The Bureau of Marine Patrol will continue to research pricing, quality, and functionality for future endeavors to replace RHI assets within the fleet.

**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**

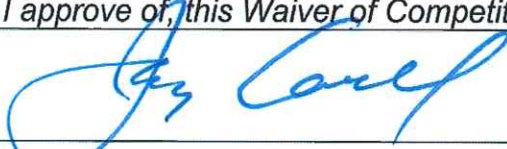
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

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Maine's Marine Patrol recently launched a brand new million dollar 46' super-wide patrol vessel asset which is now in service and assigned to the busy Mount Desert Island area on Maine's northeast coast. This large vessel is equipped with a cradle system specifically designed to carry, launch, and deploy a 4.8 meter RIBCRAFT RHI. Marine Patrol has an established relationship with the applicable vendor and a working knowledge of the asset's capabilities. These assets have incredible operational value and are of impeccable quality as noted by a long standing affiliation with the Bureau of Marine Patrol.

**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.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	 Jay Carroll
<b>Date:</b>	5-2-2019

**Account code: 014-13a-4733-01-7212 prog: 2018JEA (vessel gear)**