

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:	Steve Lyons	Office/Division/Program of Contract Administrator:	DECD – Office of Tourism
Est. Contract Amount:	\$ 830,000 Contract \$ 22,000 Amendment \$ 852,000 As Amended	Contract or RQS Number:	CT20180627000000004094
Proposed Start Date:	July 1, 2018	Proposed End Date:	June 30, 2019
Vendor/Provider Name, City, State:		Marshall Communications, Inc. 151 Capitol Street, Suite #1, Augusta, ME 04330	
Short Description of Good or Service:		Aquaculture Public Relations and Messaging Services	
<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 Procurement Services website: From: <u>5/30/2019</u> To: <u>6/5/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190785	
<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>			
	<p>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;</p>		
	<p>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>		
	<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>		
	<p>Printed Name:</p>	<p>Date:</p>	

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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;	
	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) <u>all</u> 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.		
<p>This is an amendment to a contract that that was competitively put out to bid in April 2018. Detractors of the aquaculture industry are proactively mounting an anti-aquaculture campaign in Maine that could potentially cost the state a combined capital investment of \$450 million from three separate land-based aquaculture businesses seeking to relocate to this state. A public relations campaign must quickly be mounted to educate the public about the economic and environmental benefits of this industry.</p>		

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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.

The Office of Tourism does not have the staff or expertise to develop and execute a public relations campaign and provide messaging services. We contract with Marshall Communications for PR and Media Relations because we believe their extensive knowledge and expertise in communications aligns well with their skill set.

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**.

Marshall Communications was awarded the PR and Media Relations contract in 2018 following a competitive bid process. During that review process, the review committee felt their costs for services were fair and reasonable for providing similar services to the work necessary for Aquaculture Public Relations and Messaging Services.

5. Future Competition

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

It is anticipated that the public relations campaign and messaging services will provide a much needed, short-term quick start in a situation where time is of the essence. The situation will be reassessed at the end of June to determine needs and next steps, at which time we can consider competitive alternatives.

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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.

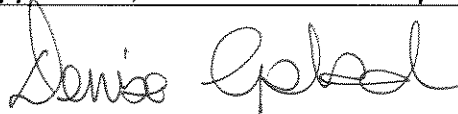
Marshall Communications has been working with clients and the media worldwide since 1991 with their headquarters in Augusta, Maine. They have assisted the Maine Office of Tourism with their global PR and Media Relations for 20 years. This experience has made them experts in public communications and media relations and, consequently, it means they will not have the learning curve that other PR firms would have.

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:

Heather Johnson, Commissioner or
Denise Garland, Deputy Commissioner

Date:

5-17-19