

**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	Office/Division/Program of Contract Administrator:	Maine Coastal Program, Policy, DMR
Est. Contract Amount:	\$30,000 Amendment (\$72,000 total)	Contract or RQS Number:	13A 20180814*0526
Proposed Start Date:	11/1/2018	Proposed End Date:	Revised end date: 9/30/20
Vendor/Provider Name, City, State:		Nearview Consulting, LLC P.O. Box 4224, Portsmouth, NH 03802	
Short Description of Good or Service:		The contractor is providing onshore and nearshore elevation survey profiles using UAV data collection and meshing data collected by the contractor with that collected by MCP and MGS.	
<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>6/4/2019</u> To: <u>6/10/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190809	
<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>	
		Printed Name:	Date:

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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) 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 project is part of a collaborative project between Maine Coastal Program (MCP) and the Maine Geological Survey (MGS) funded by the NOAA Project of Special Merit Program for collection and post-processing of high precision and accuracy elevation data from Maine beaches as part of a sand movement assessment project as defined in this Many different efforts in Maine have identified that understanding sediment transport and the management of beach sediment and nourishment materials is vital to creating better municipal and regional beach management plans. MCP and the MGS are working together to create seamless topo-bathymetry coverage from the beach to the nearshore at three important Maine public beaches in southern Maine. Without this seamless, comprehensive coverage, certain important factors controlling sediment transport dynamics might be overlooked. The project will develop the methodology to adequately understand the fate of beach nourishment and nearshore disposal materials in order to better manage future efforts.

The grant funding was extended to Sept. 30, 2020 and thus more work can be completed for this scope of work. The initial

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contract with the successful bidder was not written to go out to May 2020, as written as the initial period of contracting in the RFP, because we were pursuing a grant extension from NOAA for this work. Since that time, the grant has been extended through Sept 2020 and the work described in the initial scope of work can be repeated to determine change in sand movement over time.

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 state of Maine and DMR do not possess unmanned aerial vehicles (UAVs) nor the technological capabilities to analyze data collected from UAVs. For this reason the Department put this work out to RFP in 2018 and received multiple competitive bids. The award to Nearview LLC was made based on scoring during the competitive bidding process.

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 put this work out to RFP in 2018 (RFP#201803032) and received multiple competitive bids. The award to Nearview LLC was made based on scoring during the competitive bidding process, of which Nearview LL had the second lowest cost proposal.

5. Future Competition

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

Once the renewal timeline for this RFP is complete in April 2021, if the project is still ongoing, another RFP will be issued for UAV data collection.

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.

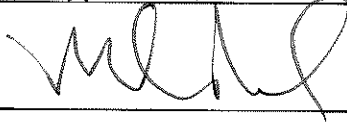
6. Uniqueness

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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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:	David H. Melanson
Date:	5-31-19