

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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:	Angela Brewer	Office/Division/Program of Contract Administrator:	DEP/BWQ/DEA
Est. Contract Amount:	\$ 10,000	Contract or RQS Number:	06A 20190606*3719
Proposed Start Date:	6/1/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State	Nearview LLC (Mr. Stefan Claeson), P.O. Box 4224, Portsmouth, NH 03801		
Short Description of Good or Service:	Unmanned Aerial System (UAS) imagery acquisition during tidal exposure along the Belfast and Northport intertidal and shallow subtidal shoreline, for the purpose of mapping eelgrass distribution.		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>06/07/2019</u> To: <u>06/13/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190901	
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 Purchases "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;		
X	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.

Eelgrass is a sensitive indicator of nutrient pollution and is ubiquitous along Maine's coast. Based on Clean Water Act regulations and the MRS Title 38, Ch. 3, Subch. 1, Art. 4-A, §465-B, the Marine Unit of the Division of Environmental Assessment must assess attainment of designated uses based on aquatic life use of marine waters. The Department has focused in recent years on interannual change in eelgrass as an aquatic life indicator metric, which has been possible due to eelgrass areal extent and percent cover information from Maine Department of Marine Resources' (DMR) aerial mapping surveys, completed during the 1990's and 2000's. Since the termination of the position at DMR that mapped eelgrass, knowledge of eelgrass distribution has been isolated and based on limited resources available to the DEP's Marine Unit.

From 2014-2016, the Department contracted a small plane pilot who was also a Maine state government retiree with specific experience acquiring low tide imagery for the purpose of eelgrass mapping. As of 2019, this independent contractor is no longer available for such surveys, and no known individual with comparable experience and low billing rate is available. In 2018, Nearview consultant, Stefan Claeson, completed a comparative methods study in Casco Bay to enable eelgrass mapping on small scales using an Unmanned Aerial System (UAS), while under contract to the DMR and in partnership with the DEP's Marine Unit. Through lessons learned with the methods comparison study, Mr. Claeson is uniquely qualified, and can most efficiently and cost effectively conduct aerial imagery acquisition to enable eelgrass mapping at the scale required by the Marine Unit during 2019. Mapping is required in 2019 to determine eelgrass change since the prior DMR survey (2003) to inform the wastewater discharge license for an application in Belfast.

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 Maine state agency with the capability to own and operate a UAS to enable eelgrass mapping is not known. Federal agencies typically utilize planes for shoreline imagery acquisition and deploy for larger survey areas and require significantly more advanced scheduling. As noted in #2 above, Mr. Claeson has specific and recent experience acquiring aerial imagery by UAS for the sole purpose of mapping eelgrass.

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**.

Nearview, LLC was the successful bidder in a competitive RFP process in early 2018 issued by the Maine DMR (see RFP# 201803032). RFP# 201803032 sought a contractor to utilize UAS (drone technology) within the coastal zone, along shoreline lengths of similar sizes to that proposed for the Nearview BP37WCB, and using similar equipment, methods and deliverables. Of the seven bidders that submitted proposals for RFP# 201803032, Nearview received the median score in the "Section III: Cost Proposal" portion of the review team's "RFP/Proposal Master Score Sheet". Of the seven bidders with the capability of completing the services requested as part of this BP37WCB, Nearview's costs are determined to be average and therefore, fair and reasonable.

5. Future Competition

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

For the 2018 methods comparison project referenced in #2 above, Mr. Claeson prepared a technical memorandum describing the methods utilized, techniques that were successful to varying degrees, and impact of particular environmental factors on survey efficacy, and provided recommendations for future surveys. In the future, such information could be made available to competitors to develop expertise in aerial acquisition techniques specific to eelgrass surveys.

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.

At the scale of the proposed survey, UAS technology is the most effective and efficient method for mapping eelgrass. Imagery acquired by UAS often requires FAA authorization, and extensive knowledge of UAS capabilities including launching and retrieval over water is critical. Imagery sufficient for eelgrass mapping requires negative low tides, near-perfect weather conditions including low sun angle and low wind speeds, and suitable water column characteristics including high transparency. Mr. Claeson successfully and satisfactorily completed the eelgrass mapping methods comparison project referenced above in #2 under contract to DMR and in partnership with the DEP’s Marine Unit, which required all of these listed qualifications. The 2018 methods comparison project is the first known survey in Maine using UAS to map eelgrass, therefore Mr. Claeson is uniquely qualified to complete the proposed project using his UAS equipment.

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:

Gerald D. Reid, Commissioner

Date:

5/31/15