

## 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>	Mike Kersula/Thomas Gildersleeve	<b>Office/Division/Program of Contract Administrator:</b>	Dept. of Marine Resources- Bureau of Marine Science
<b>Est. Contract Amount:</b>	\$ 25325.00	<b>Contract or RQS Number:</b>	CT-13A-20190607*3743
<b>Proposed Start Date:</b>	06/21/19	<b>Proposed End Date:</b>	05/31/2020
<b>Vendor/Provider Name, City, State:</b>	Dr. Yong Chen University of Maine 5717 Corbett Hall Orono. ME 04469-5717		
<b>Short Description of Good or Service:</b>	Scallop survey- evaluating Bio-mass		
<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><i>To be completed by the Division of Procurement Services</i></p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: <u>6/12/2019</u> To: <u>6/18/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0620190956		
<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</i>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i>		
	<b>Signature:</b>		
	<b>Printed Name:</b>	<b>Date:</b>	

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	<i>Governor's "designee") sign and date on the right.</i>	
	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;	
XX	<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:</i>  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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;	
	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:	
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>		
<p><b>2. Description of Specific Need</b>  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>		

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Services are being secured in support of the ME DMR/UMaine sea scallop survey of the Northern Gulf of Maine (NGOM) scallop management area. This is a cooperative project between ME DMR and UMaine. DMR (Michael Kersula) and UMaine (Yong Chen) were awarded funding by the National Oceanic and Atmospheric Administration (NOAA) Fisheries 2019/20 Scallop Research Set Aside (RSA) Program for a project entitled *Assessment of Sea Scallop Distribution and Abundance in the Northern Gulf of Maine Management Area*. The purpose of the project is to assess the status of the NGOM scallop resource. Biomass, age structure, size frequency and recruitment patterns of the stock will be determined. DMR and UMaine are co-investigators that are specifically named on the award.

a. DMR is a co-investigator with UMaine on the project. The award specifies 0.5 years of UMaine graduate student support. The university has provided these services and has all of the resources needed to perform these services.

b. The project that these services support will be federally funded and we would lose those funds if the work was not performed. The information obtained by this project is needed to manage the commercial harvest of the NGOM scallop resource.

### 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.

This project is being funded by the federal government specifically for DMR and UMaine to perform it. We are the only two entities available to do it.

### 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**.

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The costs are similar to those for previous cooperative work between UMaine and DMR. The costs have been reviewed by two boards from the federal scallop RSA grant program, including management and technical reviewers, and have been found to be part of the most cost-effective project available for the proposed work.

**5. Future Competition**

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

In this instance it could hard to foster good competition due to lack of available parties or schools to conduct this work.

**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**

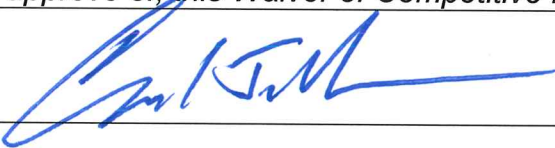
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

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Where we have already worked on similar projects with good results coupled with the fact that the federal government is funding these parties to conduct these duties would classify this as a unique situation.

**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>	
<b>Date:</b>	