

## 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>	Nathan Webb	<b>Office/Division/Program of Contract Administrator:</b>	Dept. of Inland Fisheries and Wildlife; Bureau of Resource Management, Wildlife Div.				
<b>Est. Contract Amount:</b>	\$ 114,680.68	<b>Contract or RQS Number:</b>	CT-09A-20190611 * 3815				
<b>Proposed Start Date:</b>	7/1/2019	<b>Proposed End Date:</b>	12/31/2020				
<b>Vendor/Provider Name, City, State:</b>	Wildlife Management Institute 4426 VT Route 215N Cabot, VT 05647						
<b>Short Description of Good or Service:</b>	Contract Staffing Support						
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>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>6/12/2019</u> To: <u>6/18/2019</u>					
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0620190957						
<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.							
<input type="checkbox"/>	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;						
<input type="checkbox"/>	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;						
<input type="checkbox"/>	<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> <b>Signature:</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;"><b>Printed Name:</b></td> <td style="width: 40%; border: none;"><b>Date:</b></td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		<b>Printed Name:</b>	<b>Date:</b>		
<b>Printed Name:</b>	<b>Date:</b>						
<input checked="" type="checkbox"/>	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;						

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	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.

The Maine Department of Inland Fisheries and Wildlife is mandated by statute to "preserve, protect and enhance the inland fisheries and wildlife resources of the State: to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources". Currently, a large majority of Maine's citizen's supports conservation of wildlife. However, most are unaware of the programs we have implemented to conserve these wildlife species, nor do they comprehend the complexities involved with solving many wildlife management issues. In order to continue to maintain fish and wildlife populations and their habitats for the state's citizens, MDIFW will need to invest in outreach efforts to increase the understanding of and support of wildlife-based activities. The Department must also provide the public with information about programs like hunter and trapper education and lands for public access that provide opportunities to participate in the conservation and use of wildlife resources.

The Department has received a federal grant to expand our reach to Maine citizens, with several specific, measurable objectives. However, we lack sufficient staff capacity to fully implement this project, putting the federal funds at risk. The USFWS has established a unique relationship with the Wildlife Management Institute (WMI) to allow use of federal grant funds to hire contract technicians to coordinate special programs and projects.

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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 Department's biological and information and education (I&E) staff are working at full capacity and do not have time to coordinate this project. Other state agencies do not have the resources or expertise to communicate MDIFW programs to the public. Although the USFWS has provided grant funding, they do not have staff available to coordinate the program.

**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 cost of this contract is determined by the salary paid to the technician and a fee paid to the Provider (WMI) for administering the position. Salary cost is based on equivalent positions in IFW, i.e., Promotional Coordinator, Range 24, Step 1, plus an additional payment in lieu of benefits. This allows the contractor to acquire health insurance and set money aside for retirement. The Provider recognizes that 401K benefits are federally required for technicians working more than 1000 hours per year. The total salary is considerably lower than an equivalent position in the federal government or in the private sector.

The fee that the Provider charges was negotiated with the Northeast Association of Fish & Wildlife Agencies, of which the Department is a member. The Provider is willing to waive a portion of its negotiated fee, which in turn is used by IFW to meet federal match requirements. This allows the Department to cover the costs for the technicians and administration of the positions entirely with federal funds. No state funds are needed for this position.

**5. Future Competition**

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

If the US Fish and Wildlife Service authorizes other vendors to provide the requested service in the future, the Department will use a competitive process to identify an appropriate vendor.

**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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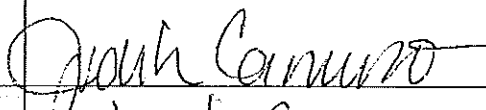
The Department is a member of the Northeast Association of Fish & Wildlife Agencies (Association), which is a nonprofit organization made up of the state and provincial wildlife agencies in the Northeastern North America. The Association has a cooperative agreement with the Provider (WMI) and through this agreement allows WMI to administer contracts for regional projects. WMI is uniquely qualified to administer this contract because 1) it has considerable experience in administering similar contracts for state wildlife agencies; 2) the administrators at WMI are familiar with federal grant match and reporting requirements, such as the federal grant that will be used to fund the proposed position; 3) the fee that WMI charges has been negotiated with the Association (i.e., 44%); 4) WMI is willing to waive a portion of its negotiated fee, which in turn will be used by the Department to meet federal match requirements; and 5) the US Fish and Wildlife Service, which provides the Department with federal funding for wildlife research and management, has agreed that if WMI waves a portion of their administrative fee, it would meet the Department's match requirements for the federal grant. **This is the only contractor that the USFWS has authorized to do this.**

**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:**

Judith Camuso

**Date:**

June 10, 2019