

State of Maine
Waiver of Competitive Bidding Request Form

Requesting Department's Contract Administrator:	Dale Peabody CS-Kim Lawrence	Office/Division/Program of Contract Administrator:	MaineDOT – Research
Est. Contract Amount:	\$ 55,000.00	Contract or RQS Number:	TBD
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:	University of Maine Systems Orono Maine		
Short Description of Good or Service:	Literature review and meta-analysis of rights-of-way management for wild insect pollinators with focus on application in Maine and the northeastern U.S.		
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>06/21/2019</u> To: <u>06/27/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0620191046		
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.			
<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>	<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>	
<input 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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		

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X	<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></p> <p>http://www.maine.gov/purchases/info/forms/govcoop.doc.</p>
	<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;</p>
	<p>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.</p>
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>

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.

Pollinator-friendly habitat management can be a valuable tool for stemming the decline of several high-profile species, including pollinator species recently listed (Rusty-patched Bumble Bee) or under consideration for listing in the Northeast by the U.S. Endangered Species Act (Monarch butterfly, Regal Fritillary, Frosted Elfin, Yellow-banded Bumble Bee). Habitat management for pollinators and other proactive conservation measures by State Departments of Transportation and other Agencies may receive consideration by the U.S. Fish and Wildlife Service when making final species listing decisions in the coming months and years. Furthermore, habitat enhancement benefitting species of federal conservation concern, if practiced strategically, can benefit a wide diversity of other pollinator species of state and regional importance and lead to reduced costs over time.

Highway Rights of Way (ROW) are managed lands that comprise a relatively small portion of Maine's landscape overall, however, they potentially have a disproportionate effect on pollinator communities as they may simultaneously fragment, connect, create, enhance, or compromise pollinator habitat. A significant body of literature is accumulating on the subject of pollinator habitat preferences and recommended management practices to support and enhance such habitats.

A systematic review and quantitative summary of pollinator habitat management literature, with a

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focus on roadsides and ROWs, can help inform and improve pollinator conservation practices in Maine by MaineDOT and other regional natural resource agency partners.

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.

Other state Departments recommended UMO

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 costs for this study are primarily for a post-doctorate student at \$24/hour, 30 hours/week for 40 weeks. This hourly wage is the average for a biologist in Maine. There are fringe benefits and indirect costs as well at total rate of 80%. The university shares the indirect cost. MaineDOT feels UMO's rates are 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.

Should the need arise, future work could be done through a request for proposal process. Other universities from other states would have the opportunity to submit proposals. However the work should be completed by those with a strong background in Maine's pollinators and sustainable vegetation to support the pollinators.

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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.

The University of Maine has unique expertise in the area of this work. Brianne Du Clos the principal investigator has completed preliminary literature reviews. Dr. Drummond serves on the project advisory group and has completed related work. The university has assembled a strong advisory group to help guide the work and the final deliverables. The University Cooperative Extension has done related work to benefit Maine crops such as blueberries and is a resource for the UMaine team.

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.

Joyce Noel Taylor

Printed Name:

Joyce Noel Taylor

Date:

6-17-19

Cooperative Agreement Authorization Form

Form Instructions: This form must be completed and submitted to the Governor's Office prior to the engaging any of the higher education institutions in the development of a cooperative agreement. The Governor's Office must give written approval to Department, allowing them to enter into cooperative agreements per Executive Order 26 FY 11/12 AN ORDER TO ENHANCE COMPETITIVE BIDDING.

State Department:	Transportation	Higher Education Institution:	University of Maine Systems - Orono
Contact Name and Title:	Dale Peabody, Director Kim Lawrence, contract specialist	Contact Name and Title:	Christopher Boynton, Director Brienne Du Clos, Research
Email and Phone:	<u>Dale.peabody@maine.gov</u> 624-3305 <u>Kimbalie.lawrence@maine.gov</u> 624-3287	Email and Phone:	Brienne.duclos@maine.edu
Estimated Agreement Amount:	\$55,000.00	Department Agreement Number:	
Proposed Start Date:	July 1, 2019	Proposed End Date:	July 31, 2020

1. Define the Project.

- a. Identify and fully describe the specific problem, requirement, or need that the cooperative agreement is intended to address and which makes it necessary.
- b. Explain how the Department determined that the services are critical or essential to agency responsibilities or operations and/or whether the services are mandated by Maine statute.

Pollinator-friendly habitat management can be a valuable tool for stemming the decline of several high-profile species, including pollinator species recently listed (Rusty-patched Bumble Bee) or under consideration for listing in the Northeast by the U.S. Endangered Species Act (Monarch butterfly, Regal Fritillary, Frosted Elfin, Yellow-banded Bumble Bee). Habitat management for pollinators and other proactive conservation measures by State Departments of Transportation and other Agencies may receive consideration by the U.S. Fish and Wildlife Service when making final species listing decisions in the coming months and years. Furthermore, habitat enhancement benefitting species of federal conservation concern, if practiced strategically, can benefit a wide diversity of other pollinator species of state and regional importance and lead to reduced costs over time.

Highway Rights of Way (ROW) are managed lands that comprise a relatively small portion of Maine's landscape overall, however, they potentially have a disproportionate effect on pollinator communities as they may simultaneously fragment, connect, create, enhance, or compromise pollinator habitat. A significant body of literature is accumulating on the subject of pollinator habitat preferences and recommended management practices to support and enhance such habitats.

A systematic review and quantitative summary of pollinator habitat management literature, with a focus on roadsides and ROWs, can help inform and improve pollinator conservation practices in Maine by MaineDOT and other regional natural resource agency partners.

Cooperative Agreement Authorization Form

2. Please explain the reasons for requesting this cooperative agreement instead of competitively bidding this request for service.

- a. Identify the type of work to be performed (as allowed under cooperative agreements);
- b. Explain how this work will enhance the ability of the higher education institution to further its teaching, research, and public service missions.

Work is to review and summarize pollinator habitat management literature with focus on roadside ROW's. Summary reports will assist MaineDOT with developing policies and practices for effective ROW vegetation management, especially given recently listed pollinators by the U.S. Endangered Species Act.

University of Maine's Department of Wildlife, Fisheries, and Conservation Biology and School of Biology Ecology have already completed related and preliminary work in this area. They can use this information to further their course work for undergraduates and graduate students. The work will also provide emphasis for best management policies and practices to be used by MaineDOT and others.

3. Cost. Explain how the Department concluded the costs, fees or rates are **fair and reasonable**. Please note: the cooperative agreement cost is considered a **not-to-exceed** threshold. If the proposed cooperative agreement is expected to exceed this amount, then the Department must obtain an additional approval from the Governor's Office.

The costs for this study are primarily for a post-doctorate student at \$24/hour, 30 hours/week for 40 weeks. This hourly wage is the average for a biologist in Maine. There are fringe benefits and indirect costs as well at total rate of 80%. The university shares the indirect cost.

Governor's Office Approval

Approved



Signature:

Printed Name:

Janet T. Mills
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