

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:	Karen Coluzzi	Office/Division/Program of Contract Administrator:	Agriculture, Conservation and Forestry/Animal & Plant Health/CAPS
Est. Contract Amount:	\$8,500.00	Contract or RQS Number:	CT 01A 20190531*3627
Proposed Start Date:	July 8, 2019	Proposed End Date:	April 30, 2020
Vendor/Provider Name, City, State:	University of Maine System acting through the University of Maine Orono, ME 04469-5741		
Short Description of Good or Service:	Assist in conducting exotic pest detection surveys for a Farm Bill Funded Cooperative Agreement, which is administered through the Maine Dept. of Agriculture, Conservation and Forestry		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>7/10/2019</u> To: <u>7/16/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0720191174		
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>	<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:	
	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: 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.

Cooperative Agreements between the United States Department of Agriculture (USDA) and the Maine Department of Agriculture, Conservation and Forestry (DACF) are in place to conduct exotic pest detection surveys in small fruits (Award # AP19PPQFO000C137) and vegetables (Award # AP19PPQFO000C147) with funding received through the Plant Protection Act Section 7721 (formerly Farm Bill Section 10007). This additional funding helps support the mission of the Cooperative Agricultural Pest Survey (CAPS) Program, a program under DACF which provides infrastructure for early detection of potentially harmful and invasive plant pests.

Because of limited resources in DACF, CAPS surveys can be efficiently achieved when staff at the University of Maine Cooperative Extension help service insect traps at farms they are already visiting. The USDA has agreed to pay for all survey activities proposed for 2019, and DACF will pay the University of Maine Cooperative Extension for assisting with survey efforts. The services are not mandated by Maine statute.

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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.

Sufficient staffing is not available within DACF to conduct this work. The Cooperative Extension at Highmoor Farm has infrastructure in place to assist with the insect survey of fruits and vegetables that will make the project more efficient. Based on DACF's knowledge of available resources in the state given specific plant pest expertise, no other government agency in the state has the resources and connections to perform this survey more effectively than the Cooperative Extension's Highmoor Farm staff.

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 federal dollars (\$8,500) that would go to the Cooperative Extension to conduct this survey will be used in part to support IPM scouts who will help deploy and service insect traps. The majority of the costs incurred by the scouts will be the responsibility of the Cooperative Extension, and the additional income from our contract will help defray some of the costs.

5. Future Competition

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

Should another agency or organization, with the proper expertise, resources, infrastructure, and contacts become available, the Department will employ a competitive process, such as an RFP, to obtain the appropriate services.

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 Cooperative Extension at Highmoor Farm employs a small fruit and vegetable pest specialist who has knowledge of local and exotic pest problems, as well as a working relationship with the growers in the state. He employs pest management scouts that visit various farms for the purpose of monitoring their crops for damaging insects. Many of these same farms the CAPS program monitors for exotic pests. The Highmoor Farm scouts will be able to deploy and service these extra traps much more efficiently than the CAPS program personnel and eliminate duplication of travel.

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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>Amanda E. Beal</i>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name: <i>Amanda E. Beal</i>	Amanda Beal, Commissioner
Date: <i>7/9/19</i>	