


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:	Thomas Gildersleeve	Office/Division/Program of Contract Administrator:	Department of Marine Resources, Bureau of Policy and Management
Est. Contract Amount:	\$ 84,000	Contract or RQS Number:	
Proposed Start Date:	7/15/2019	Proposed End Date:	7/15/2020
Vendor/Provider Name, City, State:		Capitol Hill Policy Group	
Short Description of Good or Service:		Government relation support on Right Whales and Lobster	
<p>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>		<p>To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>7/16/2019</u> To: <u>7/22/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191214	
<p>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.</p>			
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;		
X	<p><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>	<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: Janet T. Mills</p> <p>Date: 7/15/19</p>	
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;
	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 purpose of this service is to provide the Department with specialized expertise necessary to advance Maine's interests in regulations being promulgated under the Marine Mammal Protection Act and Endangered Species Act. These regulations have the potential to significantly impact Maine's coastal economy and community fabric by adversely impacting the lobster fishery which contributes approximately \$500M direct revenue, and over \$1B in indirect economic benefit, to the state annually.

Specialized expertise related to the Department of Commerce, including knowledge of fisheries issues generally, and strong relationships with Department and agency leadership, will ensure that the state is able to make the strongest possible argument on behalf of one of its most critical natural resource industries. This expertise is needed immediately as the regulatory process is already underway.

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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.

While the Department typically would conduct this work itself, in this particular situation the process is evolving quickly and requires a level of engagement that state employees can't manage adequately alone given competing demands on time.

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 Capitol Hill Policy Group has extensive experience in legislative and regulatory advocacy in natural resource industries, both on Capitol Hill and in the private sector. The retainer is commensurate with industry standards for this work and the state has negotiated a rate that is well below his usual monthly retainer fee. The Department seeks authorization to contract with Capitol Hill Policy Group on a month-to-month basis up to one year, for an agreed upon rate of \$7k monthly, funded by the Department.

5. Future Competition

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

N/A- this is an emergency situation at a point in time.

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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 Department has selected the Capitol Hill Policy Group’s principal, Todd Bertosen, to provide this expertise. Mr. Bertosen has extensive experience in legislative and regulatory advocacy in natural resource industries, both on Capitol Hill and in the private sector. He has extensive experience in fisheries and protected resource issues.

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.

Specialized expertise related to the Department of Commerce, including knowledge of fisheries issues generally, and strong relationships with Department and agency leadership, will ensure that the state is able to make the strongest possible argument on behalf of one of its most critical natural resource industries. This expertise is needed immediately as the regulatory process is already underway.

**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:

Janet L. Mills

Date:

7/15/19