

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:	Kathleen Leyden Thomas Gildersleeve	Office/Division/Program of Contract Administrator:	Dept. of Marine Resources, Maine Coastal Program
Est. Contract Amount:	\$ 33,750	Contract or RQS Number:	CT-13A-20190723*0264
Proposed Start Date:	08/02/19	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:		Wells National Estuarine Research Reserve	
Short Description of Good or Service:		Development of guidance document for tidal stream crossing and delivery workshop. Develop stream restoration projects in the York and Spurwink river watersheds.	
<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</p> <p>Posting dates on Division of Procurement Services website: From: <u>7/24/2019</u> To: <u>7/30/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191262	
<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>			
<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;</p>			
<p>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;</p>			
<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>	
		Printed Name:	Date:

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	<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;</p>
	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<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> 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>
XX	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p> <p>While not binding, DMR and the Wells Reserve have an active memorandum of understating regarding collaboration on projects of mutual interest. Both organizations are funded by NOAA under the Coastal Zone Management Act. The conditions of DMR's Cooperative Agreement with NOAA specifies collaboration with the WNERR.</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.

1. Tidal Road Crossing Guidance Materials and Workshop
 Marshes and other tidal wetland in Maine can provide a range of highly-valued services, such as development and maintenance of habitat for imperiled fish and wildlife, tidal flooding mediation, storm surge protection, pollutant filtering, carbon sequestration, commercial harvesting, and recreational opportunities. These services can be impaired or lost when undersized or otherwise improperly

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designed road crossings restrict the ebb and flow of tidal waters. Maine Coastal Program (MCP) seeks to address this wide-ranging but reversible condition by working with key partners to identify best practices for correcting restrictive tidal road crossings. The resulting "CoastWise" approach will be voluntary, standardized (yet adaptive), efficient, climate-resilient, and useful to coastal communities, road owners, and tidal habitat restoration practitioners. The CoastWise approach will integrate checklists for planning and executing on-the-ground projects, best practices supporting checklist steps, and outreach and training media to encourage use of the approach.

2. Develop Stream Restoration Projects in the York and Spurwink River Watersheds

These projects represent some of the best opportunities for high impact habitat restoration in Maine. They align extremely well with the goals of the Department and other State of Maine programs. Wells NERR is the only habitat restoration asset with a record of successfully performed work in these areas, providing them with an unparalleled knowledge of ecological conditions, local challenges, and communities associated with the sites.

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 development of CoastWise guidance materials requires a unique combination of credible leadership, expertise in tidal habitat science and crossing improvements, and strong coastal community partnerships that are not available within State of Maine agencies or their individual programs. Wells NERR satisfies each of these criteria and is well-equipped to delivering products that State of Maine programs interested in this topic can then use to build internal and external capacity and effectiveness.

The level of expertise and long continuity of service provided by Wells NERR in the Spurwink and York river watersheds translates to more efficient and effective outcomes than if State of Maine staff resources were deployed to the subject areas.

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 CoastWise element of the contract scope is unique, but the Department determined that the cost of services is in-line with other funded projects that comprehensively detailed habitat restoration feasibility requirements and restoration methods to be used at individual locations. The cost-effectiveness of tasking in the scope reflects the contractor's high level of proficiency, leadership, and familiarity with the study areas.

5. Future Competition

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

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Wells NERR will provide CoastWise guidance materials and a workshop for the State to increase their capacity and that of local communities. This will minimize long-term cost incurred by the State, and increase restoration efficiency, effectiveness, and coast-wide progress.

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 Wells Reserve National Estuarine Research Reserve (Wells NERR) provides leadership in the development, application, and training in tidal road crossing restoration methods. They are also considered an extremely well-respected partner by programs and communities seeking to contribute to and apply the CoastWise approach. Because of their technical expertise, leadership, and credibility as a valued partner, Wells NERR is uniquely positioned to create and deliver well-vetted guidance materials that will serve as the foundation of the CoastWise approach.

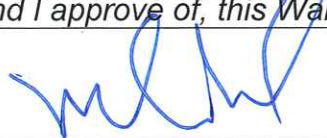
The level of expertise and long continuity of the service provided by Wells NERR in the Spurwink and York river watersheds translated to more efficient and effective outcomes than if the State of Maine staff resources were deployed to these areas.

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:

Meredith Mendelson, Deputy Commissioner

Date:

7.22.19