



PROCUREMENT JUSTIFICATION FORM (PJF)

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services intranet site (Forms page) for additional instructions.

PART I: OVERVIEW				
Department Office/Division/Program:		Marine Resources/Marine Mammal Research/Surveys		
Department Contract Administrator or Grant Coordinator:		Sarah Leiter/HQ-Finance		
(If applicable) Department Reference #:		N/A		
Amount: (Contract/Amendment/Grant)		\$426,481.00	Advantage <u>CT</u> / RQS #:	13A 20240108000000001908
CONTRACT	Proposed Start Date:		Proposed End Date:	
AMENDMENT	Original Start Date:	2/1/2024	Effective Date:	7/10/2024
	Previous End Date:	12/31/2024	New End Date:	N/A
GRANT	Project Start Date:		Grant Start Date:	
	Project End Date:		Grant End Date:	
Vendor/Provider/Grantee Name, City, State:		Bar Harbor Whale Watch Company, Bar Harbor, ME		
Brief Description of Goods/Services/Grant:		Research Vessel for monthly Inshore Marine Mammal and Acoustic and Visual Surveys, Emergency PAM Site Recovery Cruise		

PART II: JUSTIFICATION FOR VENDOR SELECTION			
Check the box below for the justification(s) that applies to this request. (Check all that apply.)			
<input type="checkbox"/>	A. Competitive Process	<input type="checkbox"/>	G. Grant
<input checked="" type="checkbox"/>	B. Amendment	<input type="checkbox"/>	H. State Statute/Agency Directed
<input type="checkbox"/>	C. Single Source/Unique Vendor	<input type="checkbox"/>	I. Federal Agency Directed
<input type="checkbox"/>	D. Proprietary/Copyright/Patents	<input type="checkbox"/>	J. Willing and Qualified
<input type="checkbox"/>	E. Emergency	<input type="checkbox"/>	K. Client Choice
<input type="checkbox"/>	F. University Cooperative Project	<input type="checkbox"/>	L. Other Authorization

Please respond to ALL of the questions in the following sections.

PART III: SUPPLEMENTAL INFORMATION

1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

The Maine Department of Marine Resources (ME DMR) Division of Marine Mammal Research is amending the current contract with Bar Harbor Whale Watch Company with the purpose of incorporating (5) additional visual surveys in the inshore Gulf of Maine in 2024. These surveys will provide consistent monthly coverage of the most gear-dense waters in the State. These research cruises will provide a platform for a team of five (5) Marine Mammal Observers (MMO) to conduct visual surveys for North Atlantic right whales and other marine species. The survey program requires 8 additional survey days in the Southern/Midcoast region, and 10 additional survey days in the Downeast region. Lodging for survey personnel at the Gov't per diem rate is also required for the Downeast survey legs, at 3 nights per month for 5 personnel. **The Bar Harbor Whale Watch Company has also agreed to provide services for a last-minute multi-day PAM recovery cruise for 18 PAM sites following the mechanical failures on the R/V Hugh R. Sharp (Contractor) which prevented offshore operations in July. These additional offshore cruises and the addition of some sites to the inshore cruise in July will prevent data loss for the Passive Acoustic Monitoring Program. These services will be used in lieu of those that were to be provided by the University of Delaware (R/V Hugh R. Sharp) in July.**

2. Provide a brief justification for the selected vendor to supplement the response in Part II. Reference the RFP number, if applicable.

The Bar Harbor Whale Watch Co. is the Single Source/Unique Vendor available to perform this survey work in the GoM. The company owns two USCG inspected jet-propelled catamaran passenger vessels (Passenger Vessels Acadia Explorer and Coastal Explorer) with the capabilities required for these surveys and have previously been utilized as a platform for North Atlantic right whale surveys. The vessels are equipped with an elevated and stable Marine Mammal Observation platform which includes mounts for Fujinon 25x150 binoculars that will increase visual coverage along survey track lines, provide an unobscured view from either side of the ship, an observation platform height of 19 feet and 8 inches above the water line, with and unobscured 90° view on either side of the ship, and a protected space for visual data collection equipment and observations during inclement weather. The LOA (length overall) of 98.5 ft and beam of 28 ft, as well as the hull design of the vessels, ensure stability in a wide variety of weather conditions, which is required for obtaining accurate sighting distance measurements. The vessel crew is familiar with marine mammal research operations, operating around endangered large whales while mitigating disturbance, and navigating areas with dense fishing gear. These jet-propelled vessels have the additional benefit of no propeller for entangling fishing gear or harming marine life, fuel efficiency and reduced engine noise levels. The fuel capacity, speed, and stability of the vessel meet the requirements for inshore day-trip visual survey efforts. The vessel will be staffed with crew who are trained in marine firefighting and man overboard drills, passenger safety, conducting safety briefings, and data collection protocols for marine mammal surveys. The vessel also includes multiple restroom facilities for all-day research cruises. **The M/V Explorer vessels can operate at speeds of up to 24 knots, and have the range required for the efficient recovery of the 18 PAM sites that cannot be serviced by Contractor University of Delaware, R/V Hugh R. Sharp.**

PART III: SUPPLEMENTAL INFORMATION

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

The negotiated costs are based on the quoted amount from Bar Harbor Whale Watch Company, which is the sole provider of the vessel support needed for the combined passive acoustic and visual survey inshore operations. The quoted costs for additional surveys, lodging, and logistical support are fair and reasonable given the vessel specifications, equipment, capabilities, and the experience levels of the Captain and crew, which ensures ME DMR will safely and successfully accomplish the inshore passive acoustic and visual marine mammal research goals for these surveys. **Costs for offshore recovery cruise days are fair and reasonable given the extensive range and fuel burn required to recover 18 additional PAM sites, and the last-minute nature of this emergency request from ME DMR. Line items that may not be utilized are provided for contingencies in the case that recoveries are difficult or logistical and weather complications arise.**

4. Describe the plan for future competition for the goods or services.

The Bar Harbor Whale Watch Company will remain the Single Source/Unique Vendor for ME DMR for combined multi-day acoustic and visual survey research cruises conducted by the Division of Marine Mammal Research offshore in the GoM. This company is the only vendor in the State of Maine with vessels that meet all of the combined requirements for servicing the inshore PAM moorings and conducting visual surveys for marine mammals.

PART IV: AMERICAN RESCUE PLAN ACT (ARPA) / MAINE JOBS & RECOVERY PLAN (MJRP)

Does this request utilize ARPA/MJRP funds?

Yes, MJRP funds (023) – If Yes, please attach the approved Business Case(s).

Yes, ARPA funds (025) – If Yes, please be aware of the requirements from awarding federal agencies.

No – If No, proceed to Part V.



PART V: CONFLICTS OF INTEREST (COI); CONTRACT WITH THE STATE

Maine law contains Conflict of Interest statutes directed to State Departments, State Officers, and Employees Generally under MRS [Title 5, §18](#) and [§18-A](#), in harmony with MRS [Title 17, §3104](#).

The requesting department signatory understands and acknowledges Maine's Conflict of Interest statutes.

PART VI: APPROVALS

The signatures below indicate approval of this procurement request.

Signature of requesting Department's Commissioner (or designee):	 Meredith Mendelson (Jul 11, 2024 09:15 EDT)		
Typed Name:	Meredith Mendelson, Deputy Commissioner	Date:	7/11/24
Signature of DAFS Procurement Official:	DocuSigned by:  891CE7A1493D45B...		
Typed Name:	Martha Verhille	Date:	7/12/2024


PJF- CT 13A 20240108-1908 Amendment

Final Audit Report

2024-07-11

Created:	2024-07-11
By:	Amanda Webb (amanda.webb@maine.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAASHnVi-Q1ElhBKNomgHdxnUypyPhPPLAs

"PJF- CT 13A 20240108-1908 Amendment" History

-  Document created by Amanda Webb (amanda.webb@maine.gov)
2024-07-11 - 0:16:02 AM GMT
-  Document emailed to Meredith (meredith.mendelson@maine.gov) for signature
2024-07-11 - 0:16:05 AM GMT
-  Email viewed by Meredith (meredith.mendelson@maine.gov)
2024-07-11 - 1:14:16 PM GMT
-  Signer Meredith (meredith.mendelson@maine.gov) entered name at signing as Meredith Mendelson
2024-07-11 - 1:14:58 PM GMT
-  Document e-signed by Meredith Mendelson (meredith.mendelson@maine.gov)
Signature Date: 2024-07-11 - 1:15:00 PM GMT - Time Source: server
-  Agreement completed.
2024-07-11 - 1:15:00 PM GMT