

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 Matt Talbot	Office/Division/Program of Contract Administrator:	Marine Resources, Marine Patrol
Est. Contract Amount:	\$ 13,875	Contract or RQS Number:	RQS-13A-20190729*92
Proposed Start Date:	7/31/19	Proposed End Date:	12/31/19
Vendor/Provider Name, City, State:	Kramp Electronics P.O. Box 108 Dow Point Rd Southwest Harbor, ME 04679 VC1000051374		
Short Description of Good or Service:	TimeZero Professional Marine Navigation Software		
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 <i>Procurement Services</i> website: From: <u>8/2/2019</u> To: <u>8/8/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191323		
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>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i>		
	Signature:		
	Printed Name:	Date:	

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X	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;	
	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 Bureau of Marine Patrol operates a fleet of six 35' to 46' patrol vessels that operate in the coastal waters of the State out to approximately 50 nautical miles from shore in the Gulf of Maine. These large patrol vessels are used day and night year around in all weather conditions for purposes including fisheries and safety patrols, fishing gear inspection – primarily hauling and inspecting lobster traps, and for search and rescue missions.

All these vessels are equipped with a suite of marine navigation equipment, including GPS enabled PC based marine navigation software. This navigation software is crucial for the safe and effective operation of these vessels. Half of the navigation software currently in use is outdated and no longer supported by the publisher. A Statewide OIT initiative to upgrade all State computers to Windows 10 will make this outdated/unsupported software unusable with Windows 10. With the acquisition of new software there is an add-on PBG module that will greatly enhance officer's ability to locate and inspect fishing gear; this bathometric charting software module is used by many offshore fishermen and the

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Bureau's inability to currently access this type of charting information puts officers at a disadvantage while trying to enforce fisheries laws and regulations. The TimeZero Professional software is the successor to the current Nobeltech software utilized on half the Bureau's large vessel fleet. Staying with the same navigation software publisher will ensure a seamless transition for the Bureau's boat operators and will allow for the transfer of data and waypoints from one system to another. The Bureau is in need of a software proprietary upgrade. Re-establishing a constant navigation platform between vessels will allow for seamless sharing of data and waypoints and navigation interoperability between vessels and boat operators.

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.

TimeZero Professional is an industry leading marine navigation software product not available within the State of Maine government. The acquisition of this software from the listed vendor is available at a better price than if obtained from State of Maine OIT and the listed vendor is an expert in all marine electronics systems with specific knowledge and experience with TimeZero software. The computer the software will be using is a non-networked OIT device.

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 Bureau of Marine Patrol (BMP) reached out to multiple vendors inquiring if they could tailor to the Bureau's specific needs and customizing each vessel with specific upgrades to ensure that of the vessels would operate concisely the same way. The BMP found after checking with multiple vendors that their prices were higher, and the system not customized to the BMP's needs. The software upgrade is preferred due to the captain's familiarity with functionality and use. Additional research specific to the TimeZero Professional product has been conducted involving State of Maine OIT and two independent marine electronics vendors. The research has shown that the listed vendor will provide a tailored approach to providing the requested software by utilizing all available upgrade and multi-license opportunities. The listed vendor is well known to the Bureau and has provided services in the past. The computer the software will be using is a non-networked OIT device.

5. Future Competition

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

The Bureau of Marine Patrol will continue to research pricing, quality, and functionality for future endeavors to upgrade and replace marine electronics software and equipment.

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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 BMP is requesting a software proprietary upgrade and the vendor is willing to tailor the upgrades to our specific vessel operational needs.

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: Jay Carroll

Date: 7-30-19

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