

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
Est. Contract Amount:	\$ 16,146.00	Contract or RQS Number:	RQS-13A-20190808*170
Proposed Start Date:	September 1, 2019	Proposed End Date:	August 31, 2021
Vendor/Provider Name, City, State:	Faria Beede Instruments, Inc., Uncasville, CT		
Short Description of Good or Service:	Data capture, storage, and web services for vessel trackers purchased from Faria Beede in 2017–2019.		
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 Procurement Services website: From: <u>8/13/2019</u> To: <u>8/19/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191362		
<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>			
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	<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>	
<input type="checkbox"/>		Printed Name:	Date:
<input checked="" type="checkbox"/>	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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum		

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	products;
	<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>
	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.

In 2017, the Department began a 5-year experimental project to study the impacts of sea urchin fishing, as well as environmental variables, on the sea urchin resource in Blue Hill Bay, Maine. This research is essential to improving our management of Maine's sea urchin fishery, worth at least \$6.2 million in 2018. Existing data collection methods, such as dealer and harvester reports, did not provided data at the fine spatial scale required for us to measure the direct impacts of fishing. The Department purchased 30 vessel trackers in 2017, to collect fine-scale location and other data for sea urchin fishing vessels in the experimental area. We have since purchased 15 more, for a total of 45 trackers.

The trackers were purchased from Faria Beede Instruments Inc., and distributed to participating sea urchin divers and druggers. They transmit the location, speed, and direction of each vessel once per minute to Faria Beede using cell phone technology. Faria Beede captures and stores the data and makes them available to the Department (and to the participating sea urchin divers and druggers) on their website. These data and web services were purchased for 2 years, and expire September 1, 2019. Since this is a five-year project, and the trackers will continue to transmit important data, the data capture, storage, and web services need to be maintained. The trackers bought from Faria Beede contain proprietary programming to send data to Faria Beede only, so the data cannot be

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captured and served by any other vendor. Also, the Department cannot afford, and has no reason, to replace all the existing trackers with another vendor's.

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.

There is no agency within State of Maine government or any other local agency that provides vessel tracking services. The federal government tracks vessels, but uses much more expensive satellite technology, because it is tracking vessels that move further offshore, out of cell phone range. Maine can take advantage of inexpensive cell phone technology for this project, because the Maine sea urchin fishery is conducted very close to shore. Also, the federal government does not offer its vessel tracking services to the states.

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 rate per unit will be the same as it was in 2017, that is, \$14.95 per unit per month. In 2017, we compared Faria Beede's rates with the only other vendor offering vessel tracking via cell phone technology, which was Pelagic Data Systems. Faria Beede's rate was lower than Pelagic Data Systems', which was \$16.67 per unit per month.

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5. Future Competition

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

There are now several vendors who offer vessel trackers with data and web services, and the Department is collaborating with other states to evaluate them. At the time the Department bought the trackers from Faria Beede, there were only two vendors who used the less expensive cell phone technology, and Faria Beede's quote was the lower of the two. In the future, more vendors may offer this service, as more states become involved in tracking fishing vessels, and as the technology evolves.

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.

Although there are other vendors who make vessel tracking devices with data and web services, their data formats are proprietary, and one vendor cannot collect data from another vendor's trackers. Now that the Department owns 45 Faria Beede trackers, there is no other vendor from whom we can purchase data capture, storage, and web services for those trackers.

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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>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
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Printed Name:	J. Kohl Kanwit
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Date:	August 8, 2019
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