

**State of Maine
Waiver of Competitive Bidding Request Form**

Requesting Department's Contract Administrator:	Dale Peabody	Office/Division/Program of Contract Administrator:	MaineDOT Research Office
Est. Contract Amount:	\$ 130,000.00	Contract or RQS Number:	
Proposed Start Date:	September 15, 2019	Proposed End Date:	October 31, 2019
Vendor/Provider Name, City, State:	DJI New York, NY & Cerritos, CA		
Short Description of Good or Service:	Purchase four (4) DJI Matrice M210 systems-drones		
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>8/21/19</u> To: <u>8/27/19</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191397		
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.			
<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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. Signature:	
<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 products;		

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	<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></p> <p>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>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</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.

The Maine State Police (MSP) are currently using the DJI Matrice system for fatality crash reconstruction. Use of drones for this purpose expedites the time required allowing for shorter roadway closure periods. MaineDOT is working with the MSP on traffic incident management improvements to more quickly and safely react to roadway crashes and clear the area so normal traffic conditions can be restored. This minimizes traffic delays and secondary crashes while improving the safety of the first responders.

This purchase will provide additional drone systems that can be used statewide so more crash reconstructions can be completed in timely and safe manner.

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.

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This is for purchase of specific drone systems. MSP has only two systems currently and are unable to cover the entire state. The newly purchased systems will be assigned to MSP crash reconstruction personnel so that there's better statewide coverage.

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**.

MaineDOT has consulted with University of Maine at Augusta expert and conducted online queries for cost estimates. It has been determined that for this specific system the drone itself without cameras or sensors costs less than \$10,000. By comparison the Falcon 8 system that can support two sensors on one gimbal costs over \$15,000.

MaineDOT finds this system to be a fair and reasonable purchase price.

5. Future Competition

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

The drone market continues to change with more enhancements and competition. We will continue to consult with local experts and online resources as well as our contacts at other state DOT's to determine suitable alternatives.

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.

As mentioned MSP currently uses the DJI Matrice system. These were purchased after careful investigation of the alternatives. In order to maintain a high level of competence amongst the drone pilots to safely operate the drones, it is desired to have the same system for this next round of purchase. The Matrice has proven to be a very safe, reliable and user-friendly system. The Matrice has gimbal technology that can support dual sensors underneath or one upward facing sensor. In this case the Matrice can effectively be used to support night time search and rescue operations as well as proximity inspection of structures for security and routine inspections.

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

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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:

Bruce A. Van Niek

Date:

8/16/19