

**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:	Ryan Robicheau	Office/Division/Program of Contract Administrator:	IFW/BRM/Wildlife Division
Est. Contract Amount:	\$ 5,990.99	Contract or RQS Number:	RQS-09A-20190827* 0283
Proposed Start Date:	8/21/19	Proposed End Date:	9/21/19
Vendor/Provider Name, City, State:	Pneu-Dart Inc. Williamsport, PA		
Short Description of Good or Service:	3 - Gauged CO2 Pseudart G2 X-caliber dart projectors		
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>08/29/2019</u> To: <u>09/04/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191446		
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>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> 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;		

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	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.

MDIFW is responsible for managing Maine's wildlife. This occasionally involves capture of wild animals for research and for removing animals that present a human safety concern. When conducting research or removing large animals presenting a safety issue, particularly in high human densities it is necessary to use chemical immobilization to subdue the animal for eventual release. As these are wild animals one of the primary tools to efficiently, safely, and effectively deliver the immobilization drugs used from a distance are chemical immobilization dart projectors. It is also necessary to continue to use the latest technology and immobilization drugs for human and animal safety. We are transitioning to new drugs that provide a wide range of benefits. The new drugs also are delivered in a smaller volume and require unique projectors for delivery in a wide variety of scenarios.

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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.

We are the only agency responsible for the duties of wildlife research and management that requires the use of these items. They are tool unique to MDIFW. Research often takes place in different areas of the state and responding to large animals causing human safety concerns requires a timely response. The latter two factors make it necessary to have multiple projectors for different geographical areas of the state.

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 department has determined the costs are fair and reasonable as these projectors are sold at the same price to other wildlife managers in varying states, countries, and research entities. Although there are no projectors that offer the same design and intended purpose, alternative projectors for different chemical immobilization drug scenarios of completely different designs have commensurate prices that are both lower and higher than the cost of this type of projector.

5. Future Competition

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

Should the department require additional or new projectors of this type in the future research will be done to see if there are new vendors that are manufacturing something similar. Also if future needs for projectors is different it would allow comparison to other types of projectors currently manufactured for different purposes.

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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.

Pneudart is the only vendor that produces a product that meets the departments needs (G2 X-caliber projector). To deliver the immobilization drugs in a wide variety of distances and situations a medium to long range rifle style projector is needed. Smaller volume remote drug delivery systems require the use of gauged CO2 projectors for the safety of the animals and humans. Larger volume and longer distance delivery can be achieved with cartridge fired projectors however these do not meet the need for close range or emergency wildlife safety situations especially with the most appropriate current immobilization drugs for these situations. Only one other vendor manufactures gauged CO2 projectors (that are also much more expensive). They do not allow the same flexibility use remote drug delivery darts in different volumes and distances. They also do not allow for the same level of pressure tuning adjustment for accuracy of delivery of those various size remote drug delivery darts at various distances and changing circumstances (i.e. animals changing distances etc). Further the alternative requires the use of a different style remote drug delivery dart. The alternative RDDs are pressurized darts as opposed to darts that are activated upon contact with the animal. For safety reasons in remote settings or urban areas around crowds the department currently prefers not to use pressurized darts for the situation that this purchase is intended for due the increased risk of exposure to the immobilization drugs used. They are adequate in other situations but not for the intended purpose of this purchase, especially in situations that are often have many other variables that are beyond the control of the department. The alternative RDDs are also not interchangeable with different projectors that are sometimes currently used by the department whereas Pseudart RDDS are interchangeable.

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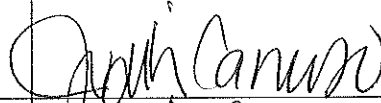
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

This request for a non-competitive contract is based on uniqueness of the product provided by this vendor. It is not based on an urgent timeframe however we are transitioning to different chemical immobilization drugs and need to have an appropriate delivery system prior to the expiration of the current drugs on hand to avoid a large expenditure of the older less desirable immobilization drugs.

**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:

Joseph Camuso

Date:

8/26/19