

**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:	Dept. of Marine Resources	Office/Division/Program of Contract Administrator:	Bureau of Marine Science /Landings Program (Robert Watts – 633-9412)/ (Thomas Gildersleeve – 592-3274)
Est. Contract Amount:	\$ 12,000	Contract or RQS Number:	RQS-13A-20190829*300
Proposed Start Date:	October 1, 2019	Proposed End Date:	September 30, 2020
Vendor/Provider Name, City, State:		Bluefin Data LLC 16175 Feliciana Avenue Prairieville, LA 70769	
Short Description of Good or Service:		Software support and maintenance	
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>09/05/19</u> To: <u>09/11/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191462	
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;		
<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:
<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		

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	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.

In a previous contract agreement (CT#13A-20080606*11975), the Department purchased unlimited copies of the "Trip Ticket System" custom software for Maine seafood dealers to use to report detailed information according to DMR regulations. In this agreement, the Provider will provide backup support, will be available for troubleshooting software problems and provide program upgrades as needed. This program is essential, as seafood dealers in Maine use the software to comply with DMR regulations. The information is used by DMR, National Marine Fisheries Service and other state agencies in fisheries management.

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 custom-made software used by the seafood industry that is only available from Bluefin Data LLC. This vendor is the only entity that can provide support and maintenance.

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**.

DMR and NMFS provide Bluefin Data LLC with regular updates to DMR licenses and vessel permit information. The software is then modified to accommodate these updates and is sent to the seafood dealers using the program. Also, changes to the codes accepted by DMR and NMFS are updated periodically and this vendor accommodates for these changes. The price paid has been unchanged for several years for state only dealers and is fair and reasonable, considering the updates required.

5. Future Competition

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

If other companies express an interest in building software that could capture and transmit the needed information at a lower price than is currently paid, DMR would consider offering that software to Maine's seafood dealers.

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

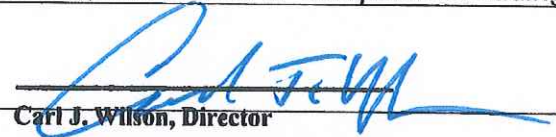
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

Bluefin Data, LLC created this reporting software now used by many seafood dealers on the Atlantic and Gulf Coasts. This software allows seafood dealers to record detailed landings information on their purchases from harvesters and sends the data to a database called the Standard Atlantic Fisheries Information System (SAFIS) in Washington, D.C. This information these dealers submit is required by DMR regulation. This is custom made software – made to capture data according to DMR and National Marine Fisheries Service (NMFS) regulations, and provide it in a means that can be accepted by SAFIS. There is no other PC-based software currently available that can fulfill these needs.

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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.

Services must be provided from October 1, ^{2019 RBWD} ~~2018~~ to September 30, ^{2020 RBWD} ~~2019~~. This date was determined based on the termination of a prior BPO with this company. A delay of services would mean upgrades and support would not be provided to DMR or Maine's seafood dealers, which would impact the transmission of required data that is used in current fisheries management. These data are essential to monitor the health of Maine's marine resources, and collecting these data in a timely manner is of utmost importance. It would take another contractor a number of years to build another program to the specifications of DMR's regulations, NMFS' regulations and to be accepted by SAFIS.

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>
	
Printed Name:	Carl J. Wilson, Director Maine Department of Marine Resources Bureau of Marine Science
Date:	^{8/27/19}

013-13A-4306-30 \$10,200.00
 010-13A-3300-01 \$ 1,800.00