

## 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.

<b>Requesting Department's Contract Administrator:</b>	Jeff Beach	<b>Office/Division/Program of Contract Administrator:</b>	IF&W, Bureau of Warden Service
<b>Est. Contract Amount:</b>	\$ 36,000	<b>Contract or RQS Number:</b>	RQS-09A-20190730*124
<b>Proposed Start Date:</b>	08-21-19	<b>Proposed End Date:</b>	08-28-19
<b>Vendor/Provider Name, City, State:</b>	Horizon Aircraft Services		
<b>Short Description of Good or Service:</b>	PK 3000 Seaplane floats		
<b>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.</b>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:          From: <u>9/5/2019</u> To: <u>9/11/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0920191464		
<b>1. Statutory Justification</b>			
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>	<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><b>Signature:</b></p>	
		<b>Printed Name:</b>	<b>Date:</b>
<b>X</b>	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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	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<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>  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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 aircraft of the Maine Warden Service Aviation Division play a critical role in accomplishing the mission of the Department of Inland Fisheries and Wildlife. The size of the State of Maine and its vast wilderness areas demand the use of aircraft in search and rescue, law enforcement, and wildlife studies. The approximately 6000 lakes and ponds provide remote runways for aircraft equipped with floats, which is why floats are an essential piece of equipment for Warden Service aircraft.**

**While all sets of floats currently in use by the Warden Service are aging, one particular set with approximately 20,000 hours of hard use over a 40 year span is in need of immediate replacement due to several leaks and fatigued metal in critical structural components of the floats.**

**Warden Service aircraft have for decades been equipped with floats made by PK. There are other manufacturers of seaplane floats, however PK floats have proven to be rugged, stable, and long lasting. Furthermore, different brands and designs of floats have their own "personalities", which would require pilot training and experience to learn to operate safely. It is imperative for safety reasons to have continuity among all aircraft in the Warden Service**

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fleet, so a pilot switching between aircraft has the same limitations and characteristics to deal with.

Warden Service aircraft are used to stock fish to remote ponds all over the state. Special custom tanks were designed and built to be mounted on our PK floats for aerial fish stocking. These tanks have proven to be safe and effective for accomplishing this important mission. Switching to another float manufacturer or design would require a complete redesign of this tank, as well as significant testing to ensure the new design would be safe and effective. This process would incur significant extra cost to the State of Maine.

For these reasons, it is necessary for the State of Maine to seek a non-competitive contract for a set of replacement PK 3000 floats and no other brand or type.

A specific vendor, Horizon Aircraft Services, has a set of PK 3000 floats manufactured in 2017 for sale currently. This set of floats has been lightly used and are in like-new condition. Seeking this set of floats from this specific vendor meets all of the needs for the Warden Service Aviation Division listed above, as well as having the added benefit of saving the State of Maine approximately \$10,000 over a new set of floats from the manufacturer.

**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.

As stated in the answer to question #2, this vendor has a set of floats specific to our needs and at a significant financial savings to the State of Maine.

**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**.

This vendor's price for this set of floats is fair and reasonable based on the condition, the age, and the value compared to the price of a new set of the same brand and design from PK floats.

**5. Future Competition**

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

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Based on the need to continue to use PK floats, future competition would require multiple vendors selling the specific PK 3000 floats we use.

**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**

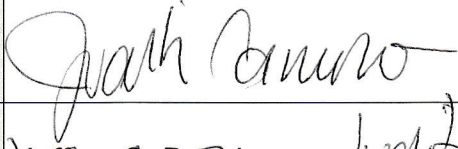
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

This vendor has the exact brand and model of floats needed for our Warden Service aircraft. This vendor also has this set in a lightly used condition at a significantly lower price than a brand new set of floats, which will save the State of Maine a significant amount of money.

**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.

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<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
<b>Printed Name:</b>	Jeffrey S. Beach      Judith Camuso
<b>Date:</b>	8-16-19      8/29/19