

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:	Matthew Lubejko	Office/Division/Program of Contract Administrator:	Inland Fisheries and Wildlife, Division of Fisheries & Hatcheries
Est. Contract Amount:	\$46,353.56	Contract or RQS Number:	
Proposed Start Date:	10/1/2019	Proposed End Date:	9/30/2020
Vendor/Provider Name, City, State:	Wildlife Management Institute 4426 VT Route 215N Cabot, VT 05647		
Short Description of Good or Service:	Lake Whitefish Research Technician and payroll services.		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>9/5/2019</u> To: <u>9/11/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191465		
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.			
	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>Signature:</p>		
	Printed Name:	Date:	
	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.

a. MDIFWs Division of Fisheries and Hatcheries is continuing a pilot study to better understand the impact that Rainbow Smelt have on Lake Whitefish populations. This project is in addition to ongoing fisheries monitoring and habitat improvement efforts conducted by Fisheries. Hence, there is a need for additional technical staff to assist the fishery biologists overseeing this project. The technical position sought requires: unique experience in conducting remote sampling; collecting fishes in a variety of habitats while using a variety of gears; familiarity with environmental and land access rules and laws; GIS and data management skills; tissue sample cataloguing and archiving; and operating snowmobiles, ATVs, and boats.

b. The primary mission of our agency is to ensure that fishery populations in Maine are maintained for future generations of Maine citizens and visitors to enjoy. As such, determining the degree that various environmental factors affect Lake Whitefish is necessary to prevent further collapse of the species in Maine. This technical position will assist with the necessary surveys and data analysis to enhance Lake Whitefish management and research.

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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.

a. In addition to day-to-day supervision of the contractor, the biological staff in the Fisheries Division must attend to a variety of tasks associated with the projects the contractor will work on (e.g., data analysis, field logistics, and report writing). These biologists have a full work load and cannot devote additional time to the duties that will be covered by this position. Typically, we will use short-term contractors to assist with various projects. However, for the project mentioned above, we would like to retain the contractor for more than 1000 hours, to make full use of the contractor's experience and skill set. By employing one contractor for longer than 1000 hours we should realize a number of efficiencies over hiring a number of contractors in succession. These efficiencies may include reduced training time, better and more consistent field observations, and skill (reduced time) in performing tasks.

b. We are not aware of other services or individuals that can perform the service more efficiently.

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 salary was based on a Biologist I's pay (Pay Grade 23, Step 1, Professional/Technical, Maine Bureau of Human Resources). We were informed by the Wildlife Management Institute that a 401K benefit is federally required for contractors working more than 1000 hours per year. The total salary is considerably lower than an equivalent position in the federal government or in the private sector (e.g., Wildlife Management Institute). In addition, the Wildlife Management Institute provides 25% of the matching funds for the project which significantly reduces the overall cost for the State of Maine.

5. Future Competition

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

If the candidate does not take this position it will be advertised nationwide to recruit a replacement.

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.

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The Wildlife Management Institute will provide 25% of the matching funds for this project; we know of no other vendors that provide a 25% match. These matching funds will reduce the overall cost to the State for the work being performed by the individual hired.

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):**

*By signing below, I signify that my Department requests,
and I approve of, this Waiver of Competitive Bidding.*



Printed Name:

Judith Camuso

Date:

9/3/19