

**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>	Dr. Walter Jakubas c/o Brenda Lord, Secretary	<b>Office/Division/Program of Contract Administrator:</b>	Maine Department of Inland Fisheries and Wildlife, Division of Wildlife, Research and Assessment Section				
<b>Est. Contract Amount:</b>	\$75,000	<b>Contract or RQS Number:</b>	CT-09A20190909* 794				
<b>Proposed Start Date:</b>	10/01/19	<b>Proposed End Date:</b>	9/30/21				
<b>Vendor/Provider Name, City, State:</b>		Wells National Estuarine Research Reserve 342 Laudholm Farm Rd Wells, ME 04090					
<b>Short Description of Good or Service:</b>		This agreement provides salary for a New England Cottontail (NEC) Restoration Coordinator. The incumbent recruits landowners interested in managing habitat for NEC, develops land management plans to restore cottontail habitat (e.g., CCAAs), works with land trusts to raise awareness of conservation opportunities for shrubland wildlife, assists with NEC translocations, and develops reports for the Rangewide Conservation Initiative.					
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>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>9/11/2019</u> To: <u>9/17/2019</u>					
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0920191501					
<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.							
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 90%;">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;</td> </tr> <tr> <td></td> <td>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;</td> </tr> </table>					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;
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	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;						
If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the		By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. <b>Signature:</b>					
		<b>Printed Name:</b>	<b>Date:</b>				

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	<i>Governor's "designee" sign and date on the right.</i>	
<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;	
	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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:	
<b>Please note that the following four points below (#2 through 5) all require a response.</b>		
<b>2. Description of Specific Need</b>		
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 New England cottontail (NEC) is a state endangered species. MDIFW is the lead state agency responsible for recovering NEC populations in Maine. MDIFW is attempting to recover NEC with a coalition of conservation partners (e.g., USFWS, NRCS, WNERR, land trusts, private landowners). This position coordinates Maine's Land Management team, recruits landowners to participate in NEC habitat restoration efforts, prepares annual reports for the Rangewide NEC Conservation Effort, and assists with all aspects of NEC recovery and monitoring in Maine. This position has been funded by multiple agencies since 2009. Since 2017, our Department has worked with the USFWS, and the Wells National Estuarine Research Reserve (WNERR) to hire, fund, provide office space, and supervise the incumbent in this position. The incumbent was selected following a nationwide search, and all parties wish to extend his contract. In 2019, this coalition of partners was awarded a National Fish and Wildlife Federation grant to cover 50% of the salary cost of this position. Our Department pledged to cover the other 50% of this position's salary. This contract with WNERR will fulfill MDIFW's pledge.		

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This position is essential to our agency in that the primary mission of our agency is to ensure that wildlife populations in Maine are maintained for future generation of Maine citizens and visitors to enjoy. As such, the recovery of state endangered species, like the NEC is a high priority for our Department. Maine law (Title 12) gives the Commissioner of IFW authority to establish programs to recover the population of endangered species to the point where they are no longer endangered.

**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.

Although a number of MDIFW staff are involved in NEC recovery efforts, these staff have other duties and cannot meet all the demands of this recovery effort. MDIFW has not only worked with its conservation partners to fund this position, but also to fund a supporting position based with the Natural Resources Conservation Service in Scarborough, Maine. In other words, IFW and other agencies have twice assessed that staffing within State of Maine government is inadequate to meet NEC recovery objectives. Federal agencies are already providing monetary support for these positions.

**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 incumbent's salary is based on equivalent positions in IFW. The two year cost of this position is being shared by the WNERR, IFW, and USFWS. The WNERR will contribute 50% of the cost of this position from a National Fish and Wildlife Foundation grant – New England Forests and Rivers. The USFWS will provide in-kind support for this position by providing office space, computer, telephone, and direct supervision. In addition, the WNERR reduced its normal overhead rate of 39.78% to 10% for this position, which will provide \$15,995 in matching funds.

**5. Future Competition**

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

MDIFW has supported this position for 10 years with the help of the National Fish and Wildlife Foundation, USFWS, Environmental Defense Fund, and WENRR. It is only through this multi-agency collaboration that this position exists. When a vacancy occurs in this position, a nationwide search is conducted to find a replacement for the incumbent. The incumbent receives an annual performance evaluation from all participating partners.

**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.

The WENRR is the recipient of a 2019 grant award from the National Fish and Wildlife Foundation that will be used to fund 50% of this position's salary. They have worked closely with Rachel Carson National Wildlife Refuge and MDIFW in the past on NEC restoration projects, and are one of our earliest partners in NEC restoration. IFW knows of no other partner that is willing to cover \$75,000 of the contract costs for this position and provide matching funds by reducing their overhead. WENRR is adjacent to Rachel Carson National Wildlife Refuge, where the incumbent is provided office space and supervisory support. Together, these agencies are working hand-in-hand to restore NEC populations.

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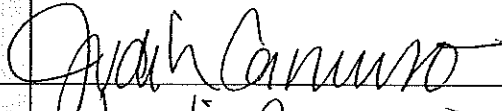
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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.

Not applicable.

**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 Canuso

**Date:**

9/2/19