

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:	Thomas Gildersleeve James Becker	Office/Division/Program of Contract Administrator:	Dept of Marine Resources, Bureau of Marine Science
Est. Contract Amount:	\$ 26,390	Contract or RQS Number:	
Proposed Start Date:	10/15/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State	Phil Daigle, Casco Bay Welding VC0000167445		
Short Description of Good or Service:	PORTSIDE SAMPLING INFRASTRUCTURE IMPROVEMENT PROJECT		
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 <i>Procurement Services</i> website: From: <u>9/27/19</u> To: <u>10/3/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191610	
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>	<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:
	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: 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.		

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X	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p> <p>The Portside Infrastructure Improvement Project was posted as an RFP (RFP201903056) opportunity in May of 2019 without any bidders. Once the posting closed, the next step was a bid waiver with a specific welder and marine contractor who completed similar work for DMR previously.</p>
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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.

This contractor is needed to fulfill the DMR and National Marine Fisheries Service (NMFS) requirement to upgrade and or install portside sampling infrastructure and equipment at as much as seven sites located in Maine ports where Atlantic herring are offloaded via fishing vessels and are currently not sampled or are under sampled. NMFS has mandated that herring vessels by 2020 that land in Maine and all other Atlantic states be required to be monitored and sampled by shore-side observers for bycatch composition during Atlantic herring offloads. These funds and the corresponding contractor would be used to construct the necessary equipment and sampling structures (dewatering boxes) required to meet the federal sampling mandate. The primary goal of the awarded contract is to incorporate representative bycatch sampling at the required ports with the upgraded structures, with the main objectives being safety, accessibility and expansion of sampling coverage.

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.

The work entailed to build and or upgrade a herring dewatering box involves a skilled and experienced aluminum marine welder, with site specific industrial equipment. Through our research here at DMR, we have found no such type of welder at any State of Maine government agency. Furthermore, even after a posted RFP last month, no welders applied. Therefore, we are more than confident that Phil Daigle of Casco Bay Welding, who did this exact work of us in the past, is the vendor we should use to complete the construction and welding for these portside sampling dewatering boxes.

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**.

In Portland, to date, four sites (with the possibility of up to seven) are to be fitted and upgraded with safe sampling scaffoldings and platforms around herring dewatering boxes, to provide a safe working place for portside observers, at a total cost of \$26, 866. Each site requires different welding and construction work.

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

Three more sites on the Maine coast will probably be upgraded within the next 18 months, all depending on funds and the timeliness of their release. If more herring dewater structures are to be constructed, another RFP will be posted.

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.

State of Maine Waiver of Competitive Bidding Request Form

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 vendor, Phil Daigle of Casco Bay Welding, is a known and well respected marine welder along the Portland Waterfront. His field of expertise is working with aluminum, the bulk of the material need to construct these sampling platforms at herring dewatering boxes and towers. Mr. Daigle also completed an aluminum sampling platform around a dewatering box at Union Wharf in Portland for the DMR in 2011. The platform and scaffolding have remained solid and have been used to sample large pelagic offloads in Portland for nine years. Moreover, he has all the special equipment needed for marine welding and for constructing these unique and sometimes twenty-foot high scaffoldings and platforms, i.e., crane and pulley system. We at the DMR are very pleased with his work and price.

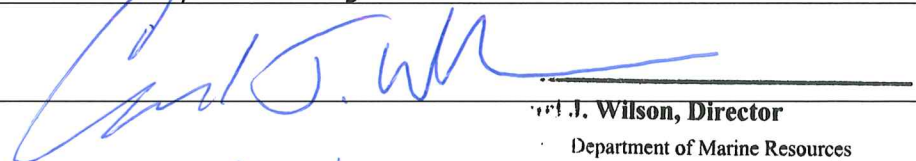
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

Time is of the essence, as that NMFS/NOAA would like these four sites completed by December, 2019, and at least two of the platforms could take over six weeks each to complete. Immediate procurement of this work will ensure the platforms are ready for the 2020 mandate of portside observer coverage of herring offloads in the state of Maine.

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:

J. Wilson, Director
 Department of Marine Resources
 Office of Marine Science

Date:

9/27/19